UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/26
15 December 1992

Original: ENGLISH/FRENCH/
SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Item 10 (a) of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Report of the Special Rapporteur, Mr. P. Kooijmans, pursuant to Commission on Human Rights resolution 1992/32

CONTENTS

		Paragraphs	Page
Introduction		1 - 5	4
Chapter			
I.	MANDATE AND METHODS OF WORK	6 - 30	6
II.	INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES	31 - 550	12
	Argentina	31 - 36	12
	Bahrain	37	14
	Bangladesh	38 - 41	14
	Bhutan	42 - 51	15
	Bolivia	52	16
	Brazil	53 - 58	17

CONTENTS (continued)

	Paragraphs	Page
Burundi	59 - 61	18
Cameroon	62 - 70	19
Central African Republic	71	21
Chad	72 - 73	22
Chile	74 - 75	22
China	76 - 111	24
Colombia	112 - 116	32
Cuba	117 - 157	34
Djibouti	158 - 160	38
Dominican Republic	161	39
Equatorial Guinea	162 - 166	39
Egypt	167 - 202	40
El Salvador	203 - 204	46
Greece	205 - 237	46
Guatemala	238 - 245	52
Haiti	246 - 253	54
India	254 - 270	57
Indonesia	271 - 275	61
Iran (Islamic Republic of)	276 - 282	65
Iraq	283	66
Israel	284 - 301	67
Kenya	302 - 303	70
Kuwait	304	71
Lesotho	305 - 307	71
Malaysia	308	72
Mauritania	309	72
Mexico	310 - 332	73
Morocco	333 - 334	76
Myanmar	335 - 350	76
Pakistan	351 - 354	78
Peru	355 - 380	80
Philippines	381 - 383	83
Republic of Korea	384	84
Russian Federation	385	84
Rwanda	386 - 390	84
Saudi Arabia	391 - 394	86
Senegal	395 - 399	87
South Africa	400	87
Spain	401 - 409	88
Sri Lanka	410 - 411	92
Sudan	412 - 424	92
Sweden	425 - 426	95
Syrian Arab Republic	427 - 434	96
Togo	435	98
Tunisia	436 - 476	98
Turkey	477 - 534	105
Uganda	535 - 539	114
United Kingdom	540 - 541	116
United Republic of Tanzania	542	116

CONTENTS (continued)

		Paragraphs	Page
	Uruguay	543 - 544	117
	Venezuela	545 - 547	118
	Yugoslavia	548 - 550	120
III.	VISITS AND FOLLOW-UP TO VISITS	551 - 578	124
	A. Visit to the former Yugoslavia	551 - 558	124
	B. Follow-up to visits	559 - 578	125
IV.	CONCLUSIONS AND RECOMMENDATIONS	579 - 594	129

Introduction

1. At its forty-first session, the Commission on Human Rights adopted resolution 1985/33, in which it decided to appoint a special rapporteur to examine questions relevant to torture.

2. On 12 May 1985, the Chairman of the Commission appointed Mr. Peter Kooijmans (Netherlands) Special Rapporteur, who, in pursuance of Commission resolutions 1985/33, 1986/50, 1987/29, 1988/32, 1989/33, 1990/34 and 1991/38, submitted reports E/CN.4/1986/15, E/CN.4/1987/13, E/CN.4/1988/17 and Add.1, E/CN.4/1989/15, E/CN.4/1990/17 and Add.1, E/CN.4/1991/17 and E/CN.4/1992/17 and Add.1) to the Commission at its forty-second, forty-third, forty-forth, forty-fifth, forty-sixth, forty-seventh and forty-eighth sessions respectively.

3. In its resolution 1992/32 the Commission decided to extend the mandate of the Special Rapporteur for a further three years, while maintaining the annual reporting cycle, in order to enable him to submit further conclusions and recommendations to the Commission. It also decided that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive credible and reliable information from Governments, the specialized agencies, and intergovernmental and non-governmental organizations.

4. In conformity with Commission resolution 1992/32 the Special Rapporteur hereby presents his eighth report to the Commission. Chapter I of the report deals with a number of aspects pertaining to the Special Rapporteur's mandate and methods of work. Chapter II consists mainly of a review of the information transmitted by the Special Rapporteur to Governments and the replies received thereon up to 14 December 1992. Chapter III contains information on follow-up visits made by the Special Rapporteur in the past, as well as on the visit carried out to the territory of the former Yugoslavia. Chapter IV contains conclusions and recommendations.

5. In addition to resolution 1992/32, several other resolutions of the Commission on Human rights are also pertinent within the framework of the mandate of the Special Rapporteur and have been taken into consideration in examining and analysing the information brought to his attention. These resolutions are, in particular,

(a) Resolution 1992/22, entitled "Right to freedom of opinion and expression", in which the Commission invited its Special Rapporteurs "to pay particular attention, within the framework of their mandates, to the situation of persons detained, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression";

(b) Resolution 1992/31, entitled "Human rights in the administration of justice", in which the Commission called upon its special rapporteurs and working groups "to give special attention to questions relating to the effective protection of human rights in the administration of justice, in particular with regard to unacknowledged detention of persons, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for possible concrete measures under advisory services programmes";

(c) Resolution 1992/41, entitled "Human rights and thematic procedures", in which the Commission recommended that Governments that had invited any of the thematic special rapporteurs to visit their countries to consider follow-up visits and encouraged Governments to respond expeditiously to requests for information so that the thematic special rapporteurs concerned might carry out their mandates effectively. It also encouraged "Governments encountering problems in the field of human rights to cooperate more closely with the Commission through the pertinent thematic procedures, in particular by inviting a thematic special rapporteur ... to visit their countries";

(d) Resolution 1992/42, entitled "Consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers" in which the Commission requested the Special Rapporteurs to continue paying particular attention to the adverse effect on the enjoyment of human rights of acts of violence committed by such groups";

(e) Resolution 1992/59, entitled "Cooperation with representatives of United Nations human rights bodies", in which the Commission urged Governments to refrain from all acts of intimidation or reprisal against persons cooperating with representatives of United Nations human rights bodies, availing themselves of human rights protection procedures established under United Nations auspices or providing legal assistance for this purpose, as well as those who submit communications under procedures established by human rights instruments and relatives of victims of human rights violations. It also requested representatives of human rights bodies to help prevent the occurrence of such intimidation and reprisals.

I. MANDATE AND METHODS OF WORK

6. On 3 March 1992 the Commission on Human Rights adopted resolution 1992/43 by which it decided to establish an open-ended intersessional working group in order to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, designed to establish a preventive system of visits to places of detention. It may be recalled that the Special Rapporteur in previous reports had advocated the institution of such a system of periodic visits to places of detention.

7. On 28 February 1992 during the debate by the Commission at its forty-eighth session on draft resolution E/CN.4/1992/L.41, by which the Special Rapporteur's mandate was to be extended for three years, the representative of the Philippines suggested an extension of the mandate for only one year. The delegate felt that the issue of torture was already covered by so many mechanisms that the Commission needed time to reflect whether the mandate of the Special Rapporteur had become redundant.

8. Although the Commission did not adopt this suggestion and by resolution E/CN.4/1992/32 extended the mandate for three years, the issue of overlapping mechanisms seemed to be a matter of concern to more than one delegation. The Special Rapporteur, therefore, deems it useful to give his views on the character and functions of the various mechanisms. He hopes that these views may dispel any fears that the scarce human and logistical resources of the Centre for Human Rights are not used in a balanced way. During a meeting on 23 October 1992 with the open-ended working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur expatiated on this issue. A recapitulation in the present report of what he said on that occasion may be of some guidance to the Commission when it has to decide in the future which options should be chosen.

9. It cannot be denied that the issue of torture and other cruel, inhuman or degrading treatment or punishment is covered by a variety of mechanisms. This in itself is evidence of the fact that the international community considers torture to be one of the most heinous violations of human rights and unequivocally condemns it.

10. When looking at these various mechanisms, a first distinction can be made between treaty-based ones and the one established by the Commission. The former by definition have competence only with regard to States which have become party to the treaty, whereas the latter can address the Governments of all Member States of the United Nations and of all States which have observer status with the Organization. The Special Rapporteur's mandate is a reflection of the fact that the international community has come to the conclusion that the prohibition of torture is an obligation for all States, whether or not they have ratified a treaty which explicitly contains this prohibition. This conclusion is based, inter alia, upon the view of the International Court of Justice which in 1970 stated that the obligation to respect the basic human rights, to which the right not to be tortured belongs beyond any doubt, is an obligation erga omnes for each and every State, an obligation which a State has vis-a-vis the community of States as a whole. This is also reflected in the draft Code of Offences against the Peace and

Security of Mankind, prepared by the International Law Commission. It is now generally accepted that the prohibition of torture is a peremptory norm which under no circumstances may be encroached upon.

11. With regard to those States which have not ratified the two conventions which contain the prohibition of torture (the 1966 International Covenant on Civil and Political Rights and the 1984 Convention against Torture), the Special Rapporteur is the only available mechanism; the number of States which have ratified neither convention is still regrettably high.

12. More important than the difference in "geographical" scope, however, is the difference in character between the various mandates. The treaty-based bodies (Human Rights Committee and Committee against Torture) monitor the compliance of the States parties with their treaty obligations; because of the far more detailed provisions of the Convention, reports to be submitted periodically by the parties have to contain more information than reports submitted under the International Covenant. Under both, the Committee can also deal with individual complaints, whenever its competence to do so is recognized by the States concerned. Finally, the Committee against Torture is entitled to carry out an inquiry in cases of a systematic practice of torture whenever its competence to do so is not explicitly excluded. In all these cases, the essential task of the mechanism is to determine whether a State party is complying with or has complied with its obligations under the treaty. Its function can therefore be characterized as quasi-judicial. If it comes to the conclusion that a treaty obligation has been violated, it gives its view as to whether the State party is responsible for the violation. A State is not responsible as long as it is in a position to redress a wrongful act committed by its organs. It is exactly for that reason that an individual complaint is not admissible if the local remedies have not been exhausted unless the Committee concludes that these local remedies are futile. The inevitable consequence of the need to exhaust local remedies is that a case of torture normally will be considered by the Committee years after it has been committed. Its view will be relevant for the question of whether the State concerned is under an obligation to pay compensation.

13. If we look at the Special Rapporteur's mandate we see a completely different picture. According to the mandate as formulated in the resolution which established it (resolution E/CN.4/1985/33), the Special Rapporteur has to report to the Commission, a body composed of government representatives, on "his activities regarding the question of torture, including the occurrence and the extent of its practice, together with his conclusions and recommendations".

14. In order to be able to report on the occurrence and extent of the practice of torture, he is entitled to receive information from Governments, intergovernmental and non-governmental organizations. The greater part of the information provided by non-governmental organizations deals with specific cases of alleged torture. He (like other thematic mandates) can bring this information to the attention of the Government concerned and ask for its comments. When doing so, as well as when reporting on this correspondence to the Commission, he does not take a stand on whether such allegations are well-founded. He merely requests the Government to look into the matter and to see to it that, if the outcome of the inquiry confirms that the allegation

is true, the perpetrators will be punished and the victims will be compensated. The information received, together with the replies by Governments, enable the Special Rapporteur to draw for the Commission a picture of the occurrence and the extent of the practice of torture and to submit to the Commission his conclusions and recommendations. For that reason it is regrettable that only a minority of the Governments whose comments are solicited provide the Special Rapporteur with a reply, in spite of the fact that the Commission has urged Governments which have not yet responded to communications transmitted to them by the Special Rapporteurs to answer expeditiously (resolution E/CN.4/1992/32, para. 18).

15. The Special Rapporteur is also invited "to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him." This provision, which is also contained in other thematic mandates established by the Commission, has led to the so-called urgent appeal procedure. If anything, this urgent appeal procedure illustrates the essentially different character of the mandates of the treaty-based bodies and that of the Special Rapporteur. The latter's function is basically humanitarian and destined, through the urgent appeals procedure, to avert potential or ongoing violations of the prohibition of torture and through the transmittal of alleged violations to enable Governments to expedite the suppression of torture and the compensation of victims. The instruments of thematic procedures has been developed by the Commission as a tool in the struggle against practices which have been outlawed by the international community and as a means to come to the rescue of potential or real victims of such outlawed practices. Hence, the emphasis is laid on the element of "effectiveness" and on the adoption of preventive measures.

16. The difference in character of the various mandates is also highlighted if we compare the competence of the Committee against Torture to carry out an independent inquiry in cases where it has received information about a systematic practice of torture and to visit the country concerned with the consent of the Government, with the country visits paid by the Special Rapporteur. An inquiry by the Committee is an ultimum remedium which will only be applied when there is overwhelming evidence of torture on a massive scale and will finally lead to a determination on state responsibility. A visit by the Special Rapporteur is commendable in all those cases where, on the basis of the information received, the situation in a country seems to be problematical and where consultations with the authorities and with non-governmental groups might lead to a clearer picture and to improvements by the taking of certain measures. Such a visit for consultative purposes should be seen much more as falling in the category of advisory services than an investigative mission provided for in the Convention against Torture. This seems also to be the opinion of the Commission when it encouraged Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate more effectively. The difference in character is also borne out by the fact that the Committee will carry out its inquiry in confidence, although a summary account of the proceedings may be included in the Committee's annual report, whereas the Special Rapporteur immediately submits a report on a country visit to the Commission.

17. Of course, a Government may feel that it is useful to invite the Special Rapporteur for an investigative visit to see for himself that the allegations transmitted to the Government are baseless or in order to show the international community that it is willing to cooperate in the eradication of torture. Even if some of the allegations were to be found correct, the report on such an investigative visit should be focused on recommendations to improve the situation in that country. Although geared to a common goal, the eradication of torture, the various mandates are complementary as a result of their completely different character.

18. Would the establishment of a system of periodic visits to places of detention with an infrastructure of its own lead to an overlap? The main thrust of such a system is preventive. Regular inspection of detention places by independent experts, either on a national or on an international level, is bound to have a prophylactic effect on the occurrence of torture. In particular, visits by international experts will lead to recommendations of a very concrete nature; since the visits will be periodical, the experts will be in an excellent position to see whether their recommendations have been complied with and what results can be ascertained from such compliance. On the universal level this would be a completely new instrument in the fight against torture and, therefore, would be complementary to the existing mechanisms. Such a new instrument is far from superfluous in view of the fact that this fight has been far from successful until now. If they cooperate closely and exchange information whenever possible, the establishment of a system of visits would make all mechanisms more effective.

19. Since the finalization of last year's report the Special Rapporteur sent 44 letters to 43 Governments. In these letters about 700 cases of alleged torture were transmitted to the Governments concerned. If the information received contained not only concrete allegations of torture but also a critical analysis of a more general nature, this information was also brought to the attention of the Governments with the request to comment on this analysis.

20. Seventy-nine urgent appeals were sent to 31 Governments dealing with roughly 300 individuals as well as several groups of persons with regard to whom fears of torture had been expressed.

21. The Special Rapporteur approached a total of 55 Governments asking for their comments and received replies from only 27 Governments; moreover, he received from eight Governments replies dealing with cases which were mentioned in previous reports. Many of the replies received, however, do not refer to all the cases transmitted by the Special Rapporteur. It should be kept in mind, however, that a number of letters were dispatched rather late in the year and that Governments need time to investigate allegations.

22. In his letter the Special Rapporteur specifies in detail the kind of information he needs. The reply should not only contain information on the accuracy of the allegation and relevant factual circumstances but also on the authority responsible for the investigation, the result of any medical examination and the identity of the person who performed it, the outcome of

the investigation and the decision taken with respect to a complaint, the grounds for this decision and, if the allegation is found to be accurate, the measures taken.

23. A number of the replies received are more or less in conformity with these requirements. Other replies, however, contain a mere denial of the alleged facts. Even if the allegations were false, the Special Rapporteur is of the opinion that such replies cannot be deemed satisfactory. As he said in his previous report, the sustained campaign of the international community against torture makes it necessary for all Governments to take allegations about torture seriously and to look into each and every case which is brought to their attention (E/CN.4/1992/17, para. 10).

24. When a Government of a country which is mentioned in this report has submitted a report in the course of the present year to the Committee against Torture and the Committee has considered that report, reference is made to the relevant documents. The Special Rapporteur is of the opinion that the information provided in these documents is a useful addition to the information contained in the present report.

25. Twice the Special Rapporteur had to send an urgent appeal pursuant to Commission resolution 1992/59 on behalf of persons who had cooperated with representatives of human rights bodies of the United Nations and with regard to whom fear had been expressed that they might be subjected to retaliatory measures, including torture. It would be sad indeed if people were victimized for doing exactly what the United Nations expects them to do.

26. The Special Rapporteur this year did not receive an invitation to visit a country, although he approached some Governments when the situation in the country concerned appeared to make such a visit advisable. The Special Rapporteur feels that too many Governments still see such an invitation as an admission that torture is wilfully condoned in the country concerned. He wished to reiterate what he has said before: nobody knows better than he how difficult it is to eradicate torture. He therefore feels that he would perform his function in a half-hearted way if he confined himself to transmitting allegations to Governments without offering advice to them on how to fight effectively the phenomenon of torture.

27. During its forty-eighth session the Commission was addressed by the Minister of Justice and Attorney General of the Sudan. On that occasion the Minister stated that anybody could come to his country and inform himself about the human rights situation there. On 3 March 1992 the Special Rapporteur wrote a letter to the Government of the Sudan in which he asked whether this statement could be seen as an invitation to him to visit the country. On 23 November 1992 he received a reply from the Minister of Justice, the content of which is reflected in paragraphs 412-414 below. The Minister said that access to prisons had already been granted to Western Ambassadors in Khartoum and to representatives of the ACP countries and the EEC Parliamentary Assembly, and that he had informed the Chief Justice and the Minister of Foreign Affairs of the Special Rapporteur's willingness to visit the country.

28. The Special Rapporteur welcomes this reply and expresses the hope that an invitation will be extended to him.

29. In his previous report the Special Rapporteur mentioned that he had received an invitation from the Government of Djibouti to visit that country to carry out an objective and independent inquiry into a number of alleged cases of torture which had been transmitted to the Government. He also informed the Commission that due to a regrettable delay in communications this visit had to be postponed. By letter of 21 August 1992 he asked the Government of Djibouti whether the invitation was still valid and, if so, when the visit could take place. The Special Rapporteur has not yet received a reply from the Government of Djibouti. He wishes to repeat what he said last year: by extending this invitation to carry out an investigation the Government of Djibouti has set an example which may contribute to a more effective functioning of the Commission's mandate on torture.

30. Pursuant to resolution E/CN.4/1992/S-1/1 adopted by the Commission at its first special session in August 1992, the Special Rapporteur, at the invitation of the Commission's Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki, took part in his second mission from 12-22 October 1992. Those findings of the mission which are relevant to torture are reflected in chapter III.

II. INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES

Argentina

Information transmitted to the Government and replies received thereon

31. In a letter dated 21 August 1992 the Special Rapporteur advised the Government that he had received information on the practice of torture in Argentina and also on a number of individual cases. The Government replied in a letter dated 9 November 1992.

32. The Special Rapporteur stated that he had received information on major legislative action taken in recent years such as the reform of the Federal Code of Criminal Procedure under which confessions made to the police are not admissible as evidence and police detention to establish identity may not exceed 10 days. He had however, been informed that notwithstanding these measures the police frequently resorted to torture to elicit information or secure changes in testimony already given. Torture was also used as a form of punishment and intimidation. Most of the victims were poor people and young people suspected of theft, rape and similar offences. Some cases had however, a political dimension. According to the information received, the police had used torture to link a group of dissidents to the commission of a crime.

33. The most frequently used methods are electric shocks, beating and near-suffocation by means of a plastic bag placed over the head. ("Dry submarine").

34. It was reported that the Government was not taking effective action to prevent torture, although in a number of cases heavy pressure had resulted in disciplinary action against individual policemen. The judiciary, the examining magistrates in particular, rarely charged police with torture. Usually the less serious charge of unlawful pressure was preferred. Even in that case convictions were virtually unknown.

35. The Special Rapporteur had also been informed of seven cases in Buenos Aires city and province. In this connection the Government stated in its reply that it was essential that the Special Rapporteur should identify the unit concerned in an alleged unlawful act and the jurisdiction which had received the complaints as well as the facts needed to establish the details of each case. The Government annexed a list of regulations in force germane to prevention of the use of torture. The cases mentioned are the following:

(a) María Eugenia Corvalán Alarcón, cashier in a restaurant in the San Telmo district of Buenos Aires, was arrested on 4 June 1987 by police searching the restaurant for drugs. She was taken to the police station where she was beaten in the presence of witnesses, subjected to the dry submarine treatment and put in a straitjacket. Various members of the police were charged with the use of unlawful pressure. The Special Rapporteur does not know whether a judical decision has been taken;

(b) Carlos Delgado, waiter, was arrested in the Moreno district of Buenos Aires by men in civilian clothes riding in a Ford Falcon without licence plates. His hands and feet were tied and he was beaten on the stomach and the soles of his feet while he was interrogated about a stolen motor cycle. He was nearly suffocated by means of a nylon pouch placed over his head. This took place in Moreno first district police station. A number of police took him to a hospital were he was found to be suffering from haematoma all over his body, particularly on the soles of his feet. One of the injuries caused serious circulatory difficulties;

(c) Daniel Caviglia, age 16, was arrested in Luján on 23 July 1990 with a number of other boy scouts by armed men in civilian clothes who took them to the police station. All the scouts were beaten. Daniel Caviglia was stripped, tied to a chair, subjected to the dry submarine treatment and punched in the stomach. As a result of this incident two policemen are said to have been dismissed from the force;

(d) Norberto Hadad was arrested in Luján on 8 August 1990 by members of the detective squad. According to the report received he was handcuffed, beaten and subjected to the dry submarine treatment in order to extract a confession that he had obtained a vehicle illegally. As a result of the torture an eardrum was perforated;

(e) Argentino Cabral was arrested on 7 November 1990 by members of the police intelligence branch in connection with an attack on Barracas school a few days earlier. He was beaten, subjected to the dry submarine treatment, handcuffed to a wall and burnt on the shoulder, apparently with cigarettes;

(f) Aníbal Monzón Novena was arrested on 23 November 1990 by members of the intelligence branch. He was questioned about an organization called the Union of Revolutionary Workers, subjected to the dry submarine treatment, beaten, stripped and hung from the ceiling. He also underwent a mock execution;

(g) Walter Bulacio, age 17, was arrested by the police on 19 April 1991 with other young people attending a rock concert. According to witnesses he was severely beaten. As a result he had to be taken to hospital a few hours later and died a week afterwards. The autopsy report stated that death was caused by a congenital condition. The family's lawyers dispute this version and note that according to a hospital medical report the youth had bruises on his face and injuries to the skull and thorax.

With regard to the first six cases the Government stated that no complaints or other material had been received by the Office of Human Rights. With regard to the seventh case, the Government reported that Walter Bulacio's death had been caused by a vascular cerebral incident brought on by excessive tension. The police commissioner responsible for the arrest of Bulacio and the other youths had been put on trial.

36. The Committee against Torture examined Argentina's periodic report at its ninth session (9-20 November 1992). The report is reproduced in document CAT/C/17/Add.2.

Bahrain

Information received from the Government on cases included in previous reports

37. On 10 January 1992 the Government replied to the case of the alleged death as a result of torture of Mamdouh Mahdi Ahmad, which had been transmitted by the Special Rapporteur on 18 October 1991. According to the reply Mamdouh Mahdi Ahmad, who was not subjected to any form of torture, exercised all the rights to which accused persons are entitled, including the assistance of a lawyer and family visits in prison. His death on 19 May 1991 was in no way connected with the alleged torture.

Bangladesh

Information transmitted to the Government

38. By letter dated 12 November 1992 the Special Rapporteur communicated to the Government of Bangladesh that he had received allegations with regard to the practice of torture in the country. According to these allegations on 25 March 1991 members of the Range Reserve Police Force fired at a crowd in Bheramara, Kushtia district, and arrested five persons, Shukchand, Atiar, Ripon, Biplab and Mannan, after having injured them. They were reportedly taken to the local high school, which the police were using as a temporary camp, where they were reportedly subjected to severe beating. As a result, Biplab's leg was broken and Shukchand died.

39. The Special Rapporteur was also informed of 18 cases of torture and ill-treatment in the Chittagong Hill Tracts. Among them were the following:

(a) Milan Kanti Chakma, Upali Chakma, Syamal Kanti Chakma, Dipankar Chakma and Bimalendu Chakma. These persons were among a group of villagers of Poapara village, in Kaukhali Upazilla, Chittagong Hill Tracts, who, on 20 March 1992, were summoned to the Kashkhali army camp. Once there they were interrogated and subjected to various forms of torture. They were reportedly hung from trees upside down, beaten severely, given electric shocks and water was forced through their nostrils until they lost their hearing and became unconscious;

(b) Silcham Chakma; Master Kamal Chakma, aged 16; Barpeda Chakma, aged 17; Priyalal Chakma; Kula Mohan Chakma and Pindu Mohan Chakma. They were among a group of persons who, on 20 May 1992, were arrested by army personnel of Champa Tali camp, in Ghagra zone. Once in the camp they were interrogated and subjected to severe beating with sticks and kicked with boots;

(c) Bina Chakma, aged 15; Mita Khisa, aged 13; Rakhi Sona Khisa, aged 16; Karuna Chakma; Royna Chakma, aged 14; Urbasi Chakma and Tipu Rani Chakma, aged 17. On 14 March 1992 members of the Chowdhuri Chara army camp occupied by the 8th Engineering Corps of the Bangladesh Army led an operation against the people of Krishnama Chara village in No. 71 Choto Mahapuram Mouza and No. 78 Bagachari Mouza and raped the above-mentioned girls.

40. In addition to the above-mentioned the Special Rapporteur sent an urgent appeal to the Government on 21 February 1992 on behalf of Kanti Charan Chakma, Bandi Charan Chakma, aged 17, and Tungo Chakma, with respect to whom fears were expressed that they might be at risk of being tortured. According to the information received, these persons were arrested on 14 January 1992, during the campaign for local elections in Chittagong Hill Tracts. They were taken to Baraitali army camp by members of the Bangladesh military stationed in the Chittagong Hill Tracts. It was also reported that they were held incommunicado and that another person arrested at the same time, Mr. Abiran Chakma, had died as a result of excessive beating.

Information submitted by the Government in connection with Commission resolution 1992/42

41. On 6 April 1992 the Government submitted a list of people who had been killed or kidnapped in terrorist acts carried out in the Hill districts of Bandarban, Khagrachari and Rangamati.

Bhutan

Information transmitted to the Government and replies received thereon

42. By letter dated 21 August 1991 the Special Rapporteur communicated to the Government that he had received information on alleged abuse and torture, including the rape of teenage girls and old women carried out by security forces in Bhutan. He also communicated the following individual cases, to which the Government replied on 20 October 1992.

43. Jayanarayan Bhandari was arrested without a warrant by the army on 9 November 1991 and imprisoned in the district jail of Samdrupjongkhar, where he was whipped and kicked on the genitals, punched in the stomach and immersed in cold water. He was released on 21 February 1992.

44. With respect to this case the Government reported that Jayanarayan Bhandari was arrested on 9 December 1991 for aiding and abetting a terrorist. Investigations revealed that he made a full confession of his links with the Bhutan Peoples Party as soon as he was arrested. There is no evidence whatsoever to show that he was inhumanely treated while in detention. There are strict government orders to police officers not to torture or ill-treat prisoners in any way while in detention. The agency in Bhutan which is responsible for investigating allegations of torture or ill-treatment of prisoners and prosecution of those responsible is the Ministry of Home Affairs. The investigations are carried out methodically and thoroughly by senior officers not below the rank of director. Whenever any evidence is detected of police high-handedness or violation of rules and regulations, the concerned police officers are severely punished. The question of giving any compensation to the relatives of Jayanarayan Bhandari does not arise as he confessed to aiding and abetting a terrorist, and he had also participated in several acts of terrorism.

45. In February 1991, Ramlal Kuitel, Dhan Bahadur Budathoki, Hem Bahadur Budathoki and Bhanu Bahadur Neupane were arrested without warrant by the army and taken to the Tashigang jail where they were severely beaten. In particular, they were kicked and whipped while forced to stand upside down.

46. With respect to these cases the Government replied that these persons were arrested by the Bhangtar subdistrict police and granted amnesty on 4 February 1992. No evidence could be unearthed during the investigation to indicate that the four detainees had been tortured or mistreated during their detention.

47. Information was also transmitted to the Government on the cases of three persons who were allegedly beaten to death by the Royal Bhutanese Army in October 1991. Their names are Tikaram Subba, a student of grade VI at Bukuli Primary School, village Royatar, Bukuli, Samdrupjongkhar district; Mon Bahadur Darjee, aged 17, a student of grade V at Bakuli Primary School, village Magori, Dalim district and Bhakta Bajadur Pokharel, from Dhumpa, Dalim, Samdrupjongkhar district.

48. With respect to the case of Tikaram Subba, the Government reported that he was taken to hospital on 1 October 1991 and died on 1 November 1991. The medical report, dated 2 November 1991, indicated that he was suffering from serious health problems. The allegation that he was beaten to death was totally false and baseless.

49. On the case of Mon Bahadur Darjee, the Government replied that he was apprehended on 11 November 1990 by the National Assembly member for Bhangtar, Mr. R.B. Kharel, and the village headman of Bakuli, Mr. Taranidhi Sharma. He was handed over to the Bhangtar subdistrict police by them on the same day. The medical report, dated 7 October 1991, indicated that his health was poor and that he died on 6 October 1991. The allegation that he was beaten to death was totally false and baseless.

50. As for the case of Bhakta Bahadur Pokharel the Government reported that his medical report dated 26 August 1991, indicated that his health was poor and that he died on 25 August 1991. The allegation that he was beaten to death was totally false and baseless.

51. According to the Government, in view of the seriousness of the offences committed by Bhakta Bajadur Pokharel, Mon Bahadur Darjee and Tikaram Subba, all of them arrested for terrorist activities, the question of granting compensation to their relatives does not arise.

Bolivia

Information transmitted to the Government

52. In a letter of 21 August 1992 the Special Rapporteur informed the Government that the following four cases of torture were reported to have occurred in Bolivia:

(a) Alvaro García Linera and Raquel Gutiérrez de García, a Mexican citizen, were held in units of the Ministry of the Interior on 10 April 1992

and tortured by means of electric shocks on the hands, thorax, genitals, lower limbs and ears. Mrs. Gutiérrez was forced to remain for hours in the so-called swine position and repeatedly kicked and beaten on the buttocks, abdomen and lower limbs;

(b) Victor Ortíz and Macario Tola, prisoners in the Chonchocoro jail, were arrested in April 1992 and tortured by means of blows and electric shocks. Macario Tola was made to wear an earphone and listen to unbearably high pitched sounds.

Brazil

Information transmitted to the Government and replies received thereon

53. In a letter of 7 September 1992 the Special Rapporteur notified the Government that he had received information on the practice of torture in Brazil. According to the information, street children in Cuiabá, Matto Grosso, are regularly beaten and maltreated by the police to make them hand over part of the proceeds of their thefts. Children with nothing to hand over or refusing to do so are taken to the police station and beaten, often with the fist wrapped in a cloth so as not to leave marks. Children are often taken in the trunk of a car to a place on the bank of the Cuiabá river called man-eater by the police. There the children are tied to a post and held in the river until they are nearly drowned. Children are told that they will be killed if they report the maltreatment.

54. A report was received on the case of Mauro Martins Solano, age 17, who is alleged to have died after torture by the police who arrested him on 22 September 1991 near his home in Cuiabá. He was accused of stealing electrical appliances and taken to the Santa Isabel police station and tortured for several hours. According to his wife, who was also held by the police, the torture included beating and immersion of the head in water until the victim was on the point of suffocation. The police took Martins' body to the hospital where they reported that he had suffered a heart attack. The death certificate records the cause of death as suffocation caused by immersion in water and the medical report states that the lungs contained nearly a litre of water.

55. On 25 November 1992 the Government reported, with respect to this case, that the Centro de Defesa dos Direitos da Pessoa Humana had requested from the Mato Grosso State Attorney-General clarifications regarding measures undertaken by his office to investigate the case and punish those responsible. In reply, the State Attorney-General reported that a police investigation had been opened on the episode and that the criminal proceeding had been submitted to the criminal civil justice prosecutor.

56. The Special Rapporteur also transmitted information to the Government regarding Carlos Aparecido Ladislau, Antonio Pinheiro Azevedo, Laurentina Aperecido dos Santos, Gilson Alves da Cruz, Milton Luz, Elizeu de Jesus, Marcio Bozoli, Macionil Fernandez do Prado, Fermino Lopes, Valdecir de Almeida and Jorge Rosa de Sousa all members of the landless rural workers' movement. According to the complaints lodged, they were arrested by the military police on 27 July 1991 at Taquaralzinho in Anasatacio, Matto Grosso do Sul, and taken

to the Aquiduana jail. Because of the maltreatment to which they were subjected, one of the detainees had to be taken to hospital and the others had difficulty in walking.

57. On 25 November 1992 the Government replied that information on allegations of torture inflicted on these persons and the related measures undertaken to investigate responsibilities had been requested by the Centro de Defesa dos Direitos da Pessoa Humana from the Secretary of Public Security of the State of Mato Grosso do Sul.

58. In addition to the foregoing, the Special Rapporteur transmitted an urgent appeal on 11 June 1991 requesting comments from the Government with regard to the death in police custody of Luiz Alexandre da Silva, a builder with no criminal record, who was detained together with three other persons named Reginaldo Silva, Ironaldo Batista and a minor known as "Marquinhos", by the São Paulo State military police on 22 April 1992 near his home in Itapevi. Three hours later he was taken to the Itapevi police station, which is manned by the civil police, where he died, allegedly as a result of severe beatings. The autopsy by the official Legal Medical Institute reportedly stated that Luiz Alexandre da Silva's body showed multiple bruises on the face, chest and abdomen and superficial injuries on the limbs. It also showed extensive internal haemorrhage in the chest resulting from the rupture of the heart and major blood vessels. The forensic doctors concluded that the cause of the death was acute haemorrhage caused by blunt trauma. The three men who were detained together with Luiz Alexandre da Silva and said to have witnessed the beatings were released by the police but went into hiding, allegedly in fear for reprisals.

Burundi

Information transmitted to the Government

59. In a letter dated 21 August 1992 the Special Rapporteur informed the Government that he had received information that many people of Hutu origin had been arrested and tortured following rebel attacks in November 1991 on military and other installations at Bujumbura, Bunbaza and Cibitoke. Attention was drawn to the following cases:

(a) Jean Berchmans Baragunzwa was arrested on 12 December 1991 at Gihanga, Bubanza province, and taken to the Bubanza police station. His hands were tied so tightly that his arms were badly hurt and he was unable to feed himself;

(b) Charles Mugiraneza was also arrested on 12 December 1991. He was tortured during interrogation by the security forces in Bubanza police station. He received various injuries, notably to the foot;

(c) Isidore Ciiza was arrested at Bujumbure, Cibitoke, on 9 December 1991 and taken to special intelligence branch headquarters. He was badly beaten and tortured during interrogation and two ribs were broken. He received no treatment for his injuries.

60. According to information received, 20 persons suspected of being members of the Party for the Liberation of the Hutu People (PALIPEHUTU) were held at the headquarters of the police special intelligence branch. They were detained in a cell 5 metres by 4. Their hands were kept tied. They had fractured bones and open wounds and do not appear to have received any medical treatment.

61. The Special Rapporteur has also been informed that even before the November incidents suspected members of PALIPEHUTU were commonly tortured in gendarmeries and public security police detention centres. The method of torture most frequently employed involved binding the arms of detainees very tightly so that the shoulders were brought close together behind the back and the rope cut into the flesh. Victims of this treatment are reported to have contracted gangrene or suffered paralysis of the arms. In addition detainees are often wounded with bayonets, beaten, particularly on the soles of the feet, and forced to kneel on bottles or pebbles for hours at a time.

Cameroon

Information transmitted to the Government and replies received thereon

62. In a letter dated 21 August 1992 the Special Rapporteur advised the Government that he had received information that a series of special laws, most recently revised in late 1990, had empowered senior government officials to detain people for long periods, sometimes indefinitely, without indictment or trial. Cases of torture had occurred during these periods of detention. It was becoming increasingly common for opponents of the regime or critics of the Government to be detained for short periods without trial. During detention they were subjected to torture and other cruel, inhuman and degrading treatment. This typically took the form of beating on the soles of the feet and the application of electric shocks. There has never been an official inquiry into the alleged use of torture. The following cases have been reported:

(a) Anicet Ekané and Henriette Ekwé were unlawfully held in solitary confinement for several weeks in February 1990 and subjected to torture and ill-treatment during interrogation. Anicet Ekané was stripped, beaten and forced to remain on her feet without food or water for several days. Henriette Ekwé was also denied food for three days when she was interrogated by the police;

(b) Jean-Jaques Ekindi, a former government supporter resigned from the ruling party, the Democratic Rally of the Cameroonian People, in May 1991 and formed the Progressive Movement. On 23 September 1991 he was arrested while trying to organize a political rally in Douala. He was held for less than 24 hours but is reported to have been tortured while in police custody and had to be taken to hospital after he was released without any charges against him. His wife and mother were also subjected to violence by the security forces but were not arrested;

(c) Samuel Eboua of the National Union for Democracy and Progress and Charles Tchougang of the Cameroonian Human Rights Organization and 15 important members and leaders of recently constituted opposition groups

were also held for 24 hours about 24 September 1991 when they were organizing a demonstration to protest against the detention of Jean-Jaques Ekindi. They are reported to have been tortured and several had to receive hospital treatment after release. Charles Tchoungang was beaten on the soles of the feet with an iron rod and whipped with iron wire enclosed in a rubber tube. Another detainee Samuel Eboua was shut up in a small dark cell in his underclothing with four other prisoners and beaten;

(d) In November 1989 some 30 political prisoners in Nkondengui prison were beaten and tortured and left without medical care after the prison authorities found a radio receiver, a copy of the Koran, a chaplet and other prohibited objects in their cells. Some of the prisoners had been detained without trial. Others had been convicted by special military courts or had not been released after serving the terms to which they were sentenced after the attempted coup d'état of April 1984. Two prisoners are reported to have died after being beaten and refused medical care. There has been no official inquiry into their death or the alleged torture and ill-treatment;

(e) Zama Kimbi Ndefru and Blaise Berinyuy. The Special Rapporteur has received additional information on these cases with regard to which he made an urgent appeal on 21 February 1992. According to the information received they were beaten by at least 10 members of the military police in the presence of the head of the local gendarmerie post. They were taken to the gendarmerie, again beaten and drenched in cold water. After release Zama Zimbi Ndefru had to receive hospital treatment.

63. The Special Rapporteur has received information concerning the unusually harsh conditions in Tcholliré II prison in the north of the country which is reported to have claimed many victims. Prisoners are not allowed to leave their cells. The rations of water and food are inadequate and there is no medical care. Prisoners thought to have complained are reported to have been beaten and locked in an unlighted cell for seven days.

64. In addition to the Special Rapporteur made urgent appeals on behalf of the following, who were feared to be in danger of subjection to torture. The dates of the appeals are given in brackets at the end of the summaries.

65. Senfo Tonkam, the leader of a student organization, is reported to have been arrested by members of the security forces at Douala during the night of 17/18 November after attending a meeting of the opposition parties' coordinating committee. According to the informant, many persons who were arrested for political reasons during the preceding months were subjected to torture in police stations (20 December 1991).

66. On 26 February 1992 the Government replied that Senfo Tonkam was in custody at the central prison at Yaoundé awaiting trial. He was charged with forgery, the use of forgeries and offences under the legislation on names. He had access to medical treatment and could receive visits. He was not subject to special restrictions and had not been tortured or subjected to

ill-treatment. On 1 June 1992 the Government informed the Special Rapporteur that Senfo Tonkam had been tried in a court of first instance and found guilty on all counts.

67. Jean-Michel Nintcheu, a publisher and chairman of the opposition Patriotic Rally and a member of Cap Liberte, the Committee for Popular Action for Freedom and Democracy, and Emmanuel Wato, a computer specialist and regional coordinator of Cap Liberte in Douala, were reported to have been arrested without warrant on 3 January 1992 and taken to the police facilities at Bonanjo, Douala. There they are reported to have been severely beaten. As a result of the maltreatment, Jean-Michel Nintcheu was reported to be incapable of walking and in precarious health. Neither prisoner had been allowed to see a doctor or lawyer (29 January 1992).

68. Dr. Zama Kimbi Ndefru, leader of the Cameroon Anglophone Movement (CAM), Stephen Ndi, leader of the CAM branch at Bamenda, Blaise Berinyuy, secretary of the branch and Gilbert Azeh, a student, were members of a group of demonstrators who were arrested during a peaceful demonstration at Bamenda on 11 February 1992 and taken to the gendarmerie. There witnesses saw some of the detainees beaten with clubs and rifle butts. Later the detainees were kept in solitary confinement (21 February 1992).

69. Hameni Bieuleu was beaten and arrested at N'Kongsamba on 5 November 1992 and later taken to Yaoundé where he was held in solitary confinement at the gendarmerie headquarters. According to information received, he has not received medical care although he is diabetic and in poor health (2 December 1992).

70. After the declaration of a state of emergency in the north-west province on 27 October 1992, mass arrests of members of the Social Democratic Front (SDF) took place at Bamenda. Many of those arrested were beaten. Some 200 people, including Ngalla Nfor, an SDF member, Peter Ngufor, a businessman, Francis Sama, a lawyer, Ophelia R. Sendze, a lawyer, and Nyo Wakai, a former president of the Supreme Court, are reported to have been held in solitary confinement in the headquarters of the mixed mobile brigade, the security police and the gendarmerie (11 December 1992).

Central African Republic

Information transmitted to the Government

71. On 27 October 1992 the Special Rapporteur addressed a letter to the Government summarizing the information received concerning the death in detention of Dr. Jean-Claude Konjugo, a 50-year-old optometrist and a member of the Alliance for Progress. He had been arrested by the police at Bangui on 1 August 1992 during a demonstration organized by the trade unions and opposition political parties. He was taken to the gendarmerie post and hit so hard that he was unable to stand up. He was taken to hospital and died there a few hours later.

Chad

Information transmitted to the Government

72. The Special Rapporteur addressed two urgent appeals to the Government on behalf of people who had been arrested and were believed to be in danger of torture. The first was sent on 19 May 1992 and concerned a group of Chad citizens who were reported to have been arrested in Nigeria in February 1992, forcibly repatriated to Chad and imprisoned. Some of the people concerned were said to have been confined in the former presidential palace at N'Djamena and a police building known as the Centre for the Collection and Coordination of Intelligence. Some prisoners are said to have died as a result of the harsh conditions and ill-treatment.

73. The second appeal, sent on 11 December 1992, was on behalf of Mahamat Khaled and Mahamat Issak who belonged to the opposition group known as the Movement for Democracy and Development, and 13 other Chadians who were presumed members of the group and had been living in exile in the Nigerian State of Borno. According to the information received, they had been repatriated to Chad and were confined in the Intelligence Centre at N'Djamena.

Chile

Information transmitted to the Government

74. In a letter dated 21 August 1992 the Special Rapporteur advised the Government that he had received information on 17 cases of torture in the years 1990-1992. They were:

(a) Bernada Eugenia Valenzuela Montecinos was arrested on 20 July 1990 at a peaceful, authorized demonstration. While she was under arrest she was beaten with truncheons and kicked by police. According to a medical certificate attached to the complaint lodged with the courts she sustained a haematoma above the left eyebrow, a haematoma on the right knee and a synovial cyst caused by injury to the left wrist;

(b) Juan Carlos Chavez Pilquil was detained by police at a street rally called by an organization of relatives of disappeared detainees. He was taken to the Santiago police headquarters where he was kicked, punched on the face, nearly suffocated with a bag and handcuffed to a grille for hours;

(c) Jorge Alfredo de la Fuente Llanos and Mario Valenzuela Martinez were arrested on 12 April 1991 during a police raid when they were passing through La Pintana. They were taken to the 39th police station and questioned by members of the missing vehicles section who asked them to spy on political militants in their village. When they refused electric shocks were applied to various parts of their bodies;

(d) Adán Eloy Pacheco Pinto was picked up by a large party of police and civilians who broke into his house after an attack on the Teniente Merino police station in Pudahuel. He was taken to the 3rd police station, where he was interrogated, brutally kicked and beaten and not allowed to eat or sleep;

(e) Roberto Antonio Morales Pinochet was abducted in El Pinar square in San Joaquin on 13 May 1991 by a party of unknown size of men suspected of being members of government forces. He was blindfolded, pushed into a vehicle and driven to a place where he was questioned about the whereabouts of a person believed to have been involved in the death of Senator Guzmán. Meanwhile he was kicked and punched. The men's fists were wrapped in damp cloth so as not to leave visible injuries. After more than 6 hours he was taken, still bound and blindfolded, and dumped on the public highway;

(f) Nelson Ernesto Ruz Aguilera was arrested in the street on 29 May 1991 by police and taken blindfolded to the 3rd police station. He was subjected to intensive interrogation for seven days. For most of the time he was left hanging or standing up. He was not given food or drink and was beaten, chiefly on the head. The police threatened to injure members of his family. He was held in solitary confinement for 23 days;

(g) Alfredo Herberto Marchant Figueroa was picked up in the street by police on 30 May 1991. He was taken blindfolded to the 3rd police station, blindfolded and subjected to intensive interrogation, in the course of which he was repeatedly beaten. This went on for seven days during which he was handcuffed and given no food. For four days he was not allowed to sleep. He was also frequently exposed to the cold. He was held in solitary confinement for 23 days;

(h) Francisco Javier Díaz Trujillo was picked up by police as he was walking along the street. He was taken blindfolded to the Santiago 3rd police station and interrogated. He was kicked and punched and beaten with a hosepipe on the shoulders and arms. Damp cloths were used to soften the blows. A lighter was used to inflict minor burns. This went on for seven days during which he was not allowed to sleep, eat or drink and was forced to stand for much of the time. He was held in solitary confinement for 23 days.

(i) Alicia Lira Matus, leader of the coordinating organization for human rights and the Association of Families of Political Prisoners; Nélida Molina Morgado and Lorena Reyes Anderson, members of the Movement against Torture; José Antonio Sabat Méndez and Francisco Olea Lagos, leaders of the National Commission for Juvenile Rights (CODEJU) were detained in November 1991 while taking part in a peaceful demonstration and were taken to the 1st Santiago police station where they were beaten, insulted and threatened. Later the women were taken to the 38th police station where they were forced to strip and were blindfolded;

(j) Ana María Sepúlveda Sanhuesa was arrested in her home on 6 March 1992 by 15 or so men who did not identify themselves. She was taken to the Central Investigations Barracks, blindfolded questioned, threatened, stripped and given electric shocks;

(k) Cristián Cárdenas Jofre was arrested in the street on Monday 9 March 1992 and taken to the Central Investigations Barracks where he was slapped, punched, kicked and given electric shocks on various parts of the body;

(l) Mirentchu Vivanco Figueroa was arrested by police on 29 March 1992 in Villa Franca. He was taken first to the 21st police station and later to the 38th. In both he was harassed and maltreated. In the first his head was covered with a skirt and he was brutally beaten. His hair was pulled and he was nearly suffocated. He was forced to assume unnatural positions and was shut in a sort of cupboard.

75. The Special Rapporteur was also informed of the frequent maltreatment of young conscripts during military service. His attention was drawn to three cases:

(a) Antonio Lenín Sánchez Pardo began his military service on 1 May 1990 at the Peldehue paratroopers and special forces school. In September 1990 he was subjected to various forms of torture, chiefly beating and threats by soldiers of the 11th section under a lieutenant Vladilo;

(b) Jose Cristían Arriagada Melo began his military service at the NCO's school, San Ignacio Street, Santiago. He was repeatedly maltreated by his squad commander, sergeant René Opazo Riquelme, sergeants Salinas and Bustos Pinochet and corporal Gonzáles Chamorro. On 12 November 1991 he was treated for haematomas in the regimental sick quarters after being beaten by sergeant Salinas;

(c) Jorge Antonio Concha Meza began his military service on 1 October 1991 at the La Reina telecommunications school and was later transferred to Peldehue. In both places he was continuously harassed. At Peldehue among other forms of corporal punishment he was subjected to beating with blunt objects, punches on the neck and bites on the ear. On one occasion after being beaten with sticks and ropes on the feet he went to the sick quarters where he was again beaten on the feet with a radio lead. Later corporals Bascunan and Peñailillo gave him and other recruits electric shocks on the neck.

China

Information transmitted to the Government and replies received thereon

76. On 7 September 1992 the Special Rapporteur transmitted to the Government of China a letter containing a summary of allegations received with regard to the practice of torture in the country as well as a number of individual cases. The Government replied to this letter on 28 October 1992. In addition to this, the Special Rapporteur made six urgent appeals on behalf of persons who, according to the information received, were at risk of being tortured. The Government also sent replies with respect to some of them.

(a) Information regarding the practice of torture in general

77. According to the information received, torture and other forms of cruel, inhuman or degrading treatment or punishment are a routine part of detention in police stations, detention centres, labour camps and prisons with respect to persons arrested for suspected nationalist activities or sympathies in the Tibet Autonomous Region. The methods of torture most commonly mentioned in the reports include the use of electric batons applied to the torso and

sometimes in the mouth, soles of the feet and genitals; the use of lighted cigarettes to inflict burns; the use of dogs to bite detainees; the use of manacles and chains to restrain prisoners for long periods; the practice of making people stand outside for several days at a time, sometimes on blocks of ice, and of making prisoners kneel on the point of triangular pieces of wood.

78. Convicted prisoners are sometimes tortured or severely ill-treated as a punishment for alleged breaches of prison discipline. However, torture and mistreatment most often occur when detainees are held for a few weeks or months without trial and then released, and prior to the laying of formal charges. In these cases torture is an adjunct to the intensive interrogation process and is reportedly carried out by Public Security Bureau (PSB) or People's Armed Police (PAP) officers.

79. Detainees are questioned for several hours at a stretch, up to three or four times a day, sometimes in the middle of the night. The interrogation usually takes place in a room with one or two chairs and a table. The detainee is sometimes made to strip naked and sit on the floor. While one person takes notes, one or more interrogators alternate between questioning and beating the prisoner. Until the questioning is completed detainees are normally held incommunicado without access to legal counsel and isolated from family and friends. On the other hand, there are reportedly no effective official channels through which a detainee or a relative can make a complaint.

80. On 28 October 1992 the Government of China sent the following comments which, at its request, are reproduced below in their entirety:

> "1. Resolutely opposing and prohibiting all forms of torture has consistently been the Chinese Government's basic position. China has long conscientiously banned torture, effectively guaranteed its citizens' right to life and ensured that their individual dignity is not subject to unlawful encroachments. Its policy has always been that where there is a law it can and must be adhered to, and breaches must be investigated; it adheres to the principle that all citizens are equal before the law, and treats with the utmost seriousness the incessant refinement of its legislation and the incorporation of its ban on torture into the legal system.
>
> 2. The Chinese Constitution and relevant legislation lay down provisions for the prohibition of torture both in principle and in substance: no citizen may be arrested without the approval of or an order from a people's procuratorate or an order from a people's court, or by anyone other than the public security authorities; unlawful taking into custody and unlawful encroachment or limitation on citizens' right to life by other means are prohibited; citizens' human dignity is inviolable. Libelling, slandering, bringing false charges against or framing citizens in any manner is prohibited. The Chinese Penal Code lays down corresponding penalties for torture: that is, for the crimes of extracting confessions by torture, unlawfully taking into custody, unlawfully placing under surveillance, illegally conducting searches, libel and slander, inflicting corporal punishment on or ill-treating prisoners, unlawfully encroaching on citizens' freedom of religious belief or violating the customs and traditions of ethnic minorities, and

so forth. The Penal Code also stipulates that if State employees inflict bodily suffering or disguised bodily suffering on persons undergoing investigation or convicts serving sentence as a means of extracting statements, the law enforcement authorities must apply penalties corresponding to the seriousness of the crime. Where torture does not result in lasting physical injury, it is to be treated as a serious case of "causing bodily harm", punishable by three to seven years' imprisonment; if death ensues, the punishment is from seven years to life in prison. Chinese legislation also contains provisions to prevent and prohibit torture during law enforcement procedures. The Administrative Suits Act, promulgated in 1990, permits citizens to seek legal protection when their rights are violated by a State institution or its staff, and provides a direct and effective channel.

3. In China, the essential rights of convicts serving sentence are legally protected. Not only are convicts given essential material life, medical care, industrial safety and labour protection, but they also have the right to appeal, to defence and to physical safety and the individual rights not to be humiliated, to complain, to report offences, etc. No criminals are deprived of their political rights, they are all entitled to exercise their votes in accordance with the law.

4. The Chinese law enforcement authorities investigate and punish individuals guilty of torture every year, mostly State employees who use torture to extract confessions and prison warders who inflict corporal punishment on or mistreat inmates. Under the law, when cases of torture are investigated there are normally two methods of proceeding. In one, the public security organs or procuratorate register the case and carry out the investigation, then pass the case to the courts for trial; in the second, the investigation is handled by the administrative authorities. The competent administrative body is the supervisory department, which handles civic discipline; it is required to refer any case which may constitute a crime to the law enforcement authorities, which conduct the investigation in accordance with legal procedure.

5. To check whether penalties are being properly applied in convicts' housing quarters, prisons and other correction through labour facilities and whether inmates are being subjected to corporal punishment or ill-treatment, special prison inspection mechanisms have been set up in every procuratorate. Some of these are based at prisons and custodial units, some work on a day-to-day inspection pattern. The departments in charge of such matters in the public security organs must, when investigating the handling of a case by public security personnel, investigate whether confessions have been extracted by torture besides looking into working procedures and methods. Public security organs at every level normally have legal, supervisory and disciplinary departments and a complaints centre which will accept reports and complaints of torture and beatings, and will mount conscientious inquiries into any cases of confessions extracted by torture or similar infringements of citizens' right to life that arise. Where breaches of discipline by prisoners lead to injuries among inmates, an inspection is carried out by medical personnel; in the event of deaths, an inquest is held by the medical examiner attached to a people's procuratorate or people's court.

6. Chinese legislation also stipulates that individuals who have suffered injury owing to violations of their civil rights by State organs or State employees are legally entitled to seek compensation. Article 41 of the Constitution states: Citizens who have suffered losses through infringement of their civic rights by any State organ or functionary have the right to compensation in accordance with the law. Article 67 of the Administrative Suits Act states: If the lawful rights and interests of any citizen, body corporate or other organization are violated or injured as a result of a specific administrative act by an administrative body or employee thereof, that individual, body corporate or other organization shall be entitled to seek compensation. Article 42 of the Public Order Regulations states: If the penalty imposed on a citizen by the public security organs for a breach of public order is incorrect, the error must be acknowledged to the injured party and any confiscated property must be restored; where the injured party's lawful rights and interests have suffered, compensation must be made for the loss.

China is currently stepping up the preparatory work for and formulation of a compensation act. Before this act is finalized, the most important items of torture victims' claims for compensation, such as medical expenses, lost earnings, supplementary food costs and so forth, after approval by administrative and law enforcement authorities, can be negotiated or ruled on by an administrative body; alternatively the courts can hear a civil or administrative suit in conjunction with criminal proceedings and issue a compensation order.

7. The Chinese law enforcement authorities have always upheld criminals' legal rights and afforded them humane treatment. The accusation in the enclosure to your letter that torture in Tibet and other parts of China is "routine" is entirely unfounded. The list of cases detailing all manner of cruel ill-treatment and torture inflicted on criminals is nothing but fictitious and malicious rumours".

(b) Individual cases transmitted to the Government

81. Sonam Dolkar was arrested without a warrant on 29 July 1990 by a group of approximately 20 policemen who also searched her house in Lhasa. She was then taken to Seitru prison (Prison Section No. 4, part of the Sangyip prison complex). From 2 August 1990 she was stripped naked and given electric shocks or other forms of torture every second day for six months. She was also sexually violated with an electric baton. She received no medical treatment until February 1991, when a prison doctor warned that she was close to death and the torture sessions stopped. She was not allowed out of her cell at any time and never saw other prisoners. She was not provided with a mattress or blanket.

82. The Government reported that Sonam Dolkar was investigated in July 1990 in accordance with the law for supplying information to an enemy agency outside the country and engaging in illegal activities with a view to the overthrow of the Government. As she acknowledged her guilt and her behaviour was good, she was able to confess her crime of her own volition and undertook not to transgress again. The Chinese public security organs on 17 January 1991 showed leniency as provided by law and ordered her release.

83. Lobsang Tenzin and Tempa Wangdrak, both prisoners in Drapchi, were severely beaten and put in solitary confinement after they tried to hand a petition to a delegation of United States diplomats who visited the prison in March 1991.

84. With respect to these cases, the Government reported that on 1 April 1991, during a visit by the former Permanent Representative of the United States to China to prisons in the Tibet Autonomous Region, one criminal, Tempa Wangdrak, asked another, Lobsang Tenzin, to slip a note he had prepared to one of the visitors. The prison, in accordance with prison regulations, assigned both of them to a brief period of confinement as punishment; the alleged severe beating and placing in solitary confinement did not occur.

85. Ngawang Zoepa, from Doe, Damshung region, reportedly serving a five- or six-year sentence; Kelsang Gyaltsen, reportedly serving a six-year sentence; Ngawang Tsondrue, reportedly serving a four- or five- year sentence; Ngawang Legshe, reportedly serving a four- or five-year sentence; Ngawang Namgyal, from Damshung, reportedly serving a three- or four-year sentence. These five monks from Ding-gar, a Tibetan Buddhist monastery in Toelung Dechen near Lhasa, were reportedly detained on the afternoon of 17 March 1991 while attempting to unfurl a Tibetan nationalist banner at the start of a demonstration in the Barkhor area. A witness alleged that the monks were beaten by officers of the Public Security Bureau, and that one of the monks appeared to have had his hand broken.

86. With respect to these cases, the Government reported that Ngawang Zoepa, Ngawang Legshe and Ngawang Namgyal were sentenced by the Lhasa municipal people's intermediate court in March 1991 respectively to six, four and three years' imprisonment for engaging in unlawful activities aimed at the division of the country and the overthrow of the Government.

87. Tsering Taschi, a monk of Sera monastery from Medro Lapdong, was arrested and severely beaten for taking part in a demonstration in the Bakhor area of Lhasa on 26 May 1991. He was then taken to Gutsa prison and forced to give blood.

88. Ngawang Tsepak; Sonam Lhamo, from Tachi Lhoka; Ngawang Choezom, from Lhoka Chonggye; Phuntsog Tendrol; Pasang Wangmo; Pasang Drolma; Dechen Drolma; Lobsang Choedron; Dawa Chazom. These nine nuns from the Chubsant and Shungsep nunneries were reportedly arrested in Lhasa in September 1989 and taken to Gutsa prison. While in detention they were hung from their arms and feet, beaten and given electric shocks.

89. A number of detainees in prisons and detention centres in the Tibet Autonomous Region are in recent years reported to have died in custody, or within weeks of their release, apparently as a result of ill-treatment or lack of medical care while in detention. The following cases, in particular, were reported:

(a) Tsamla, a woman trader from Lhasa, died in late August or early September 1991, about three months after her release from two and a half years in detention at Gutsa detention centre. She was held incommunicado for at

least the first six weeks of her detention, during which time she is said to have been repeatedly beaten and kicked while undergoing interrogation. Her condition worsened over her months in detention, and in May or June 1991 she was reportedly taken to a clinic near Gutsa and then to Lhasa People's Hospital, where exploratory surgery was apparently performed, finding that she had suffered a ruptured spleen. While in hospital, she was apparently told that she had been released and should go home. She died at home about three months later, apparently as a result of the injuries she sustained in custody;

(b) Yeshe (ye-shes), a painter from Lhasa, resident of Tarpo Lingka, was arrested at around midnight on 8 March 1989 after having allegedly participated in demonstrations a few days earlier. He was severely beaten in prison and was badly bruised. He sustained severe damage to the genitals and when he was released in July or August, he was unable to hold his bladder and to walk. He died on 22 August 1989;

(c) Chozed Tenpa Choephel (chos-mdzad bstan-pa chos-'phel), was arrested in January 1988 and severely beaten in prison. On 24 August 1989 he was transferred from a prison in the Sangyip complex to Lhasa People's Hospital. Reports say that he died either the following day or on 27 August. According to the statement of an eyewitness, the body was "entirely black-blue".

90. In the above-mentioned letter of 7 September 1992 the Special Rapporteur also transmitted to the Government of China information on the case of: Han Dongfang, a labour activist during the 1989 pro-democracy protests, who was seriously ill-treated on 14 May 1992 at the Dongcheng District People's Court in Beijing, where he had been summoned to discuss a housing order. He was severely beaten with electric batons by court personnel who did not stop until they noticed that Han Dongfang was having serious breathing problems. The beatings reportedly caused his chest cavity to fill with fluid.

91. The Special Rapporteur also informed the Government that he had received a report containing allegations of torture against persons arrested in connection with the 1989 pro-democracy movement and kept in the prisons of Hunan province, particularly those of Yuanjiang, Hengyang, Lingling, Huai'hua, Chenzhou, Longxi and Changsha. The following cases, in particular, were reported.

92. Yu Zhijian and Yu Dongyue, prisoners at Lingling prison, have allegedly been kept in solitary confinement cells since late 1989 and subjected to different physical tortures. As a result, their health has deteriorated dramatically and Yu Dongyue has lost control of his excretory functions.

93. With respect to the case of Yu Zhijian from Liuyang county in Hunan province, the Government reported that he was sentenced on 11 August 1989 by the Beijing municipal people's intermediate court to life imprisonment and stripped of his political rights for life for breach of the criminal law. As for Yu Dongyue from Liuyang county in Hunan province, the Government reported that he was sentenced on 8 August 1989 by the Beijing municipal people's intermediate court to 20 years' imprisonment and stripped of his political rights for five years for breach of the criminal law.

94. Pen Yuzhang, a retired professor of Hunan University, was arrested in mid-June 1989 and taken to Changsha No. 1 jail. During his imprisonment he was reportedly placed for about three months on a device known as the "shackle board" - a horizontal plank roughly the size of a door, equipped with metal shackles at the four corners and a large hole at the lower end. The prisoner is laid upwards on the board, and his hands and feet are secured by the four shackles. The hole allows the prisoner to perform basic bodily functions.

95. The Government informed that Pen Yuzhang, male, an employee of Hunan University, was taken into custody by the Changsha municipal public security bureau for taking part in the 1989 riots, but was later released.

96. Zhou Zhirong was sentenced in 1990 to seven years' imprisonment and sent to Longxi prison. On 12 February 1991 he was transferred to a solitary confinement punishment unit at Provincial No. 3 prison in Hunan's Lingling prefecture. Once there, he was reportedly put on a "shackle board" and kept there for a full three months.

97. The Government reported that Zhou Zhirong, from Anxiang county in Hunan province, was sentenced on 29 March 1990 by the Hunan provincial people's intermediate court to five years' imprisonment and stripped of his political rights for two years for breach of the criminal law.

98. Fan Zhong, arrested at the end of June 1989, was held in Changsha No. 2 jail where he was reportedly given repeated shocks by an electric baton to sensitive parts of the body. He was also put on the "shackle board".

99. The Government reported that Fan Zhong was taken into custody by the public security bureau for taking part in the riots in 1989, but was later released.

100. Chen Gang, a worker at the Xiangtan Electrical Machinery Factory, was convicted in June 1989 and allegedly kept shackled hand and foot for a 10-month period.

101. The Government reported that Chen Gang, male, was sentenced to death, suspended for two years, in August 1989 for gangsterism by the people's intermediate court in the city of Xiangtan. He is still serving his sentence.

102. In addition to the above-mentioned, the Special Rapporteur transmitted to the Government of China six urgent appeals on behalf of the following persons, regarding whom fears were expressed that they might be subjected to torture. The date on which they were sent is mentioned in brackets at the end of the corresponding summary.

103. Gao Shuxian, a former cadre of the Hengyang Petroleum Company, was arrested in August 1989 in Hengyang and charged with embezzling funds from the company he ran. According to the reports he was held incommunicado for over two years and beaten during interrogation by an investigator from the Hengyang Southern District Procuratorate. As a result, he has reportedly lost the hearing in one of his ears; however, he was not allowed to see a doctor or given any treatment for the injury. His complaints to various local

authorities about his treatment reportedly received no response. Moreover, he had reportedly not yet been indicted or tried and it was feared that he might be subjected to further ill-treatment to press him to admit to the charges. (7 February 1992).

104. Liu Gang, Zhang Ming and Kong Xianfeng, students; Tang Yuanjuan, Li Wei and Leng Wanbao, workers at the Changchung No. 1 Car Manufacturing Factory. According to the reports these six dissidents, sentenced to prison terms ranging from 3 to 20 years and imprisoned at the Lingyuan labour camp in Liaoning province, north-east China, were being severely ill-treated. In addition to being forced to work up to 14 hours a day, they were frequently kicked and beaten with fists, electrified batons and leather belts. Three months before Lin Gang reportedly had his arm broken by jail warders. (14 February 1992).

105. With respect to these cases, the Government replied on 29 April 1992 that Liu Gang, Tang Yuanjun, Kong Xianfeng, Zhang Ming, Li Wei and Leng Wanyu were convicted in accordance with the law for breaches of the Chinese Penal Code, and were serving their sentences with the Liaoyuan Reform-through-Labour Detachment in Liaoning province. The arduousness of the work assigned to Liu Gang and the others, and their working hours, were the same as for other convicts, and they had never been required to perform work which exceeded their strength or extended beyond the established hours. They were in good health, and had never been maltreated by prison officials. The suggestion that Liu's arm had been broken was utter nonsense.

106. Tanak Jigme Zangpo and three other prisoners held at Drapchi prison, 3 km north of Lhasa, had been held in punishment cells in a state of total isolation after being accused of shouting slogans calling for Tibetan independence during the visit made to the prison by four Swiss diplomats on 6 December 1991. (4 March 1992).

107. Mr. Karma, Mr. Monlam and Mr. Gyatso were arrested between 17 and 19 March 1992 at Gyama Trigang village in Maldro Gungkar district of Lhasa. According to the reports they were arrested in connection with the appearance of some wall-in the district, and taken to the Maldro Gungkar district prison where they were allegedly beaten. (5 June 1992).

108. With respect to these cases the Government reported on 26 October 1992 that the Tibetan public security organs had made repeated inquiries, but as far back as 1990 there was no record of anyone named Karma, Monlam or Gyatso being arrested in Lhasa.

109. Ren Wanding, a prisoner at Beijing No. 2 prison who is said to be in danger of losing his eyesight if he does not receive urgent medical attention. According to the reports, Ren Wanding was at risk of suffering a retinal detachment, which could lead to a permanent loss of vision, despite which he had not been given adequate treatment since July 1991. (9 November 1992).

110. On 24 November 1992 the Government reported that Ren Wanding was being humanely treated in prison. He was in good health and his vision was normal. There were absolutely no grounds for claiming he was in danger of "going blind".

111. Ngawang Dechoe, arrested on 10 April 1991; Ngawang Gomchen, arrested in August 1991; Ngawang Zangpo, arrested in August 1991; Jampel Nyima, arrested in August 1991; Ngawang Ludrup, arrested on 16 May 1991. According to the reports, these five Tibetan monks from the Drepung monastery were being held at the Gutsa detention centre run by the police (PSB) and have been tortured. Fears have been expressed that they may further be subjected to this kind of treatment. (17 November 1992).

Colombia

Information transmitted to the Government

112. In a letter dated 21 August 1992 the Special Rapporteur informed the Government that he had received reports on the following cases of torture alleged to have occurred in Colombia:

(a) Jaime Ramírez Corzo, José del Carmen Najas and Omar Merchan were arrested at Esmeralda, Arauca, on 5 March 1991 by a military patrol which accused them of being members of a guerilla band. They were stripped, tortured and threatened with death. Jaime Ramírez was forced to drink salted water without stopping for breath and his head was held under water. He was also forced to lie on the ground while a soldier jumped on his stomach. Before being released they were required to sign a document saying that they had been correctly treated by the army;

(b) Harold Alexander Jaramillo, Raúl María Salazar Villareal, Estanislao Anaya and Nelson Jaimes Quintero were arrested in Barrancabermeja, Santander, on 28 September 1991 by members of the national police (SIJIN). They were taken to the police barracks and interrogated. Because of their replies the detainees were held down in water tanks, stripped, tied up and later brutally beaten. Their noses and mouths were covered with towels soaked in salted water and they were given electric shocks of up to 220 volts. They were repeatedly threatened with rape. In the cases of Mr. Anaya and Mr. Quintero an inquiry was held and disciplinary action was taken against the policemen concerned;

(c) Norman Alexander Trujillo Correa and Alberto Alarcón Salcedo, both students, were snatched on 2 November 1991 by soldiers of the Maza mechanized group from the Carlos Rosas store on La Angelita road in El Zulia (North Santander). They were forced to lie on the ground face up and their hands were tied. Wet towels were stuffed in their months to prevent them from breathing and they were brutally beaten. Soldiers jumped on their stomachs;

(d) Hugo Varela Mondragón, a lawyer, journalist and member of the National Committee of People's Housing Organizations (CENPAVI) was held at Palmira (Valle) on 21 April 1992 by armed men who identified themselves as members of F-2. The next day his body was found with signs of torture in Puente Vélez, Jamundi;

(e) Pablo León a plantation manager, was tortured on 19 July 1992 by soldiers of Mobile Brigade 2 near San Vicente, Magdalena Medio. The soldiers threatened to kill him. A complaint was lodged with the municipal attorney;

(f) Samuel Fernando Rojas Motoa, a member of the executive committee of the United Workers Organization (CUT) in Valle del Cauca and of the Cartago municipal workers' union was taken from his home on 4 June 1992 by members of the intelligence unit (B-2) of the Ayacucho battalion stationed in Manizales, Caldas, and driven to the Ansema military base where he was tortured, threatened with death and subjected to a mock execution. He was then taken to the San Mateo battalion in Pereira, Risaralda, where he was again questioned, threatened with death and not allowed to sleep;

(g) José Delfin Torres Castro, police inspector at Tabeta, El Cerrito, Santander is reported to have been tortured on 9 June 1992 before being executed by a military patrol belonging to the García Rovira battalion;

(h) Oscar de Jesús Silva Gutiérrez, a member of the committee for solidarity with political prisoners and a student leader, was detained in Cali on 1 May 1992 by members of the national police who beat and threatened him;

(i) Gabriel Flores Oviedo, chairman of the national association of peasant land users and a member of the Chucurí human rights organization was arrested by soldiers on 22 June 1992 at Montebello, San Vicente de Chucurí, Santander. He was tortured while under interrogation.

113. The Special Rapporteur also received information concerning the case of Mrs. Yolanda González Villamar, an inmate of the Good Shepherd National women's prison who died of a heat attack on 8 February 1992. According to the information received, Mrs. González Villamizar had been in poor health but had not been allowed to leave the prison to obtain proper hospital treatment. She received little or no medical care in prison.

114. In conformity with resolution 1992/59, "Cooperation with representatives of United Nations human rights bodies", the Special Rapporteur made an urgent appeal to the Government in connection with information received concerning the cases of César Chaparro Nivia, a trade unionist and member of the Patriotic union, and Vladimir Hincapié Galeano. On 29 February 1992 the two men were arrested by members of the administrative security department in the Kennedy district of Bogotá and taken to the department's premises. During the arrest Mr. Chaparro Nivea was hit by bullets. At about 5 p.m. Mr. Hincapié Galeano was admitted to the San Juan de Dios hospital with injuries reported to have been caused by torture. At 12.35 the next day Mr. Chaparro was also admitted to the hospital. According to witnesses both men were constantly guarded by security department agents who prevented them from communicating with their families. Mr. Chaparro, who died on 4 March, told a nurse that he had been tortured and asked her to inform the public prosecutor's office. On 18 March at 6.30 p.m. his wife, Margarita Agudelo Alzate, and her brother, Hernando Agudelo Alzate, received death threats from an anonymous telephone caller. The threats are reported to have been prompted by the family's complaint to the public prosecutor's office concerning Mr. Chaparro's death.

Information received from the Government with respect to cases included in previous reports

115. On 21 July 1992 the Government forwarded a reply concerning the case of Mr. Emiro Bustamente who was detained in Sucre on 10 February 1989. The case was brought to the Government's attention on 6 June 1990 (E/CN.4/1991/17, para.49). The reply stated that Mr. Bustamente had been arrested by police from the San Benito Abad station on 11 February 1989 and released the following day. The Human Rights Office considered that Mr. Bustamente's allegations of torture were unconvincing and in a decision dated 4 May 1992 ruled against a formal disciplinary enquiry and ordered the case to be filed.

Information received from the Government in connection with Commission resolution 1992/42

116. In a letter of 24 July 1992 the Government reported that the activities of various violent groups external to the State were a direct impediment to the enjoyment of the rights set out in the Declaration on Human Rights and such instruments as the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights. These activities had a variety of effects on the rights established in the instruments cited and besides causing material losses had a serious impact on the nation's social and political life. Many of the victims were well known and highly regarded political trade union and civic leaders.

Cuba

Information transmitted to the Government and replies received thereon

117. The Special Rapporteur informed the Government in a letter of 21 August 1992 that he had received information on various cases of torture and maltreatment in Cuba. The Government replied in a communication dated 2 November 1992.

118. Some of the cases mentioned involved the 10 prisoners in the combined eastern prison listed below.

119. Jesús Hernández Luis was severely beaten on the head with wooden bats and electric prods on 9 November 1991 because he asked for more food. In spite of his injuries he was refused medical assistance and was sent to a punishment cell.

120. The Government reported that there had been no incident involving the prisoner. There was no trace of such an incident in the prison records and the prisoner stated that he had never been placed in a punishment cell and had not been maltreated.

121. In November 1991 Luis Enrique Ramos was handcuffed and beaten with electric prods until he fainted because he had asked for more food.

122. The Government reported that no prisoner answering this description appears in the prison records.

123. Leonel Baró Abscal, Pedro Eduardo Caseira, René Téllez González and Leonardo Mascaquel Gómez were severely beaten with truncheons, batons and hosepipes on 2 December 1991. Leonardo Mascaquel Gómez suffered a broken arm.

124. The Government reported that on 20 December 1991 the prisoners mentioned and various cellmates caused an outbreak of disorder in the cell. This was brought to an end after the prison authorities interviewed the ringleaders (Casellas Díaz and Téllez González) and persuaded them not to go on. No other measures were needed to restore order. There were no victims and no one was injured.

125. Daniel Brito Vázquez was beaten with truncheons by some recruits on 21 May 1991 and had to be admitted to the prison hospital.

126. The Government reported that no prisoner answering this description appears in the prison records.

127. José Ramón Morales Hernández, a prisoner in the special area of building 1 was beaten with a rubber club by sergeant Alejandro, chief warder of the unit, on 28 April 1991. He suffered haematoma on the stomach, shoulder and chest.

128. The Government reported that the prisoner attacked a prison warder. The latter used his regulation truncheon to beat off the attack. Disciplinary action was taken against the warder since the disciplinary tribunal ruled that the prisoner could have been controlled without use of the truncheon. Morales Hernández was released on 13 September 1991.

129. Carlos Font Reyes was beaten with rubber truncheons on 4 May 1991 by the warder Erasmo and other soldiers in the special area of building 2.

130. The Government reported that no prisoner answering this description appears in the prison records.

131. Santiago A. Miranda Castillo was severely beaten on 27 December 1991. A cut on the left cheek required three stitches. His right arm was fractured and he lost consciousness and was taken to the prison hospital.

132. The Government stated that the prisoner's name is Santiago Miranda Rodríguez and that he has not been involved in any incident. On 26 December 1991 he received medical assistance for an injury to the left elbow. It was caused by an accident and was not the result of violence.

133. The Special Rapporteur also transmitted information to the Government on the following 11 cases.

134. Noel Toledo Delgado, of Remedios, was hit with a club and kicked in the stomach by a guard in section 3 of the Villaclara provincial prison in April 1991.

135. The Government states that the prisoner was hit by a warder in the provincial prison. The guard appeared before a disciplinary tribunal and was dismissed from the service. The prisoner suffered no sequelae as a result of the incident.

136. Arnaldo Pérez Martí, of Remedios, was beaten up by a group of guards in the Villaclara provincial prison led by Lieutenant Juan de la Cruz. The prisoner was placed in solitary confinement and lost consciousness twice.

137. The Government reported that the prisoner, who had several convictions, had committed a number of breaches of prison discipline. In February 1991, he attacked a warder who complained of a breach of discipline. The prisoner was brought under control by the prison authorities and sentenced by a competent court to an additional three months' imprisonment, the penalty for assault.

138. Raul Figueroa Castro, of Caibarién, was brutally beaten on 14 March 1991 in the Villaclara, provincial prison by 10 Ministry of the Interior guards led by sergeant Joaquin Calloso. The latter kicked him in the mouth causing a cut on the upper lip that required three stitches. The other guards participating were Savino González Rodriguez, Gustavo, Machín, Omar, Marin and Mesa who hit him with clubs and machetes. He was then locked in a punishment cell.

139. The Government stated that the prisoner attacked and injured a warder in the Villaclara provincial prison on 14 March 1991. The other warders intervened to bring the prisoner under control. The prisoner has since been released.

140. Antonio Serrano, known as Tony Arcenta, was savagely beaten by sergeant Llero in the Kilo 7 prison, Camaguey, in early February 1991. The prisoner had to be placed in the intensive care unit of the hospital.

141. The Government stated that Rodríguez Serrano was serving a 30-year sentence for various crimes, including murder, assault and theft, which had been the subject of 11 trials. On 6 February 1992 he quarrelled with another prisoner, Maurilio Pino Batueca, inflicting a 12 centimetre wound on the cheek with a crude weapon. The prison authorities intervened. After order was restored sergeant Osvaldo Yero Cervantes exceeded his duty and beat the prisoner, who was taken to the provincial hospital for treatment. Sergeant Yero Cervantes was sentenced to six months imprisonment. Rodríguez Serrano will face trial for assault.

142. Bernardo Cruz Pérez was badly beaten by sergeant Alexis Olivera and the jailer Humberto in Alambrada de Manacas prison. He had to be taken to the infirmary for treatment. Later he was again beaten up. Covered with wounds, bleeding and denied medical attention, he was shut up in a punishment cell.

143. The Government states that there is an inmate of the Manacas prison with the second surname Mena, not Pérez. He has not been involved in incidents with the warders. This is corroborated by the prison records and the prisoner himself.

144. Daniel Cardó Hernández, an inmate of the Boniato prison, was severely beaten in May 1991. He was later taken to the general police barracks in Havana and then rushed to the Carlos J. Finelay military hospital.

145. The Government states that the prisoner was not beaten on the date given or on an earlier or later date.

146. Jorge Nuard Rodríguez, an inmate of the Canaleta, Ciego de Avila prison, injected oil into his arms in order to receive medical attention. Instead of receiving assistance, he was sent to a punishment cell and stayed there 12 days. On 7 June 1991 at 2 p.m. he was taken from the cell unconscious and with gangrene in both arms. His arms had to be amputated at the shoulder.

147. The Government states that the prisoner injected the oil in the hope that the injuries would secure his release. He received immediate medical care, initially at the provincial hospital and later at the Morón hospital. His arms had to be amputated because of the danger of death from generalized sepsis caused by the gangrene. He was subsequently released on humanitarian grounds.

148. Pedro Luis Garcia, of Manacas, Villaclara, was struck by sergeant Alexis Olivera with a truncheon on 27 June 1991 in the Alambrada de Manacas prison. Other guards beat him with rubber truncheons. Covered with wounds he was shut up in an isolation cell.

149. The Government states that the prisoner was not maltreated by the prison authorities while in Manacas prison. This has been corroborated by Pedro Luis Garcia, who is now out of prison.

150. Mario Santana Fontela, of Santa Clara, was brutally beaten by a guard of section 2 of the Santa Clara provincial prison on 30 April 1991.

151. The Government states that the prisoner disobeyed orders on 30 April 1991 and refused to return to his cell. He attacked a warder who had to use his regulation truncheon to defend himself. The tribunal that investigated the incident found the warder had acted in the performance of his duty and in self defence to bring the prisoner under control. He had not gone beyond the bounds of duty.

152. Francisco Martes Sánchez, aged 16, of El Cerro, an inmate of Jovellanos, was forced to squat although he was known to suffer from asthma. When he refused he was brutally beaten and had to be rushed to the Colón hospital where he died on 20 July 1991. The authorities claim that he died of asthma. One of the people who took him to hospital alleges that he died of a brain haemorrhage caused by blows on the head and that his body was covered with haematoma.

153. The Government states that the prisoner's proper name was Francisco Montes Sánchez. The records, together with the testimony of witnesses and documents, show that the prisoner was the victim of a heart attack which caused his death while he was being taken to a treatment centre where he could

receive the medical care required by an acute attack of asthma. The autopsy established that the asthma attack was the cause of the fatal events. It does not record any sign of external violence.

154. Ifraín Suárez Lezcano, an inmate of the Santa Clara prison, was beaten with hosepipes and kicked by a party of guards, Héctor Morales Otero, Iosvani Calloso, Osmany Mederos Gutiérrez and Miguel López Montero.

155. The Government states that Efrain Suárez Lezcano quarrelled with another prisoner while they were playing prohibited games. The prison authorities intervened and did not use excessive force in the discharge of their duty.

156. The Special Rapporteur also informed the Government that he had received reports of harsh conditions of detention including beating, and including medical and pharmacological attention suffered by a group of inmates with AIDS in the eastern combined prison. Their names are Oscar Pérez Celles, Ismael Duquesne Arteaga, Heriberto Pedro Almeida, Abel Martínez Marto, Ariel Rodríguez Leon, Lázaro Valdés Ramírez and Güilfredo Reinaldo Aguilar García.

157. The Government states that Ismael Duquesne died as a result of AIDS on 11 July 1992 in the Miguel Enríquez civil hospital in Havana. Abel Martínez Matos was released on 8 July 1992 on completion of his sentence. There is no trace of a prisoner with the name Lázaro Valdés Ramírez in the prison or hospital records. Oscar Pérez Celles, Heriberto Pedro Almeida, Ariel Rodríguez León and Guilfredo Reinaldo Aguilar García receive treatment in prison similar to that received by other patients suffering from the virus in the national health system hospitals. This includes enriched diet and specialized medical and pharmacological care. None of the prisoners mentioned has been beaten or maltreated by the prison authorities.

Djibouti

Information transmitted to the Government

158. In a letter of 21 August 1992, the Special Rapporteur informed the Government that he had received allegations that most persons arrested in Djibouti in political cases were tortured shortly after their initial interrogation. Torture was normally inflicted by members of the information and security service, such as the Ambouli brigade, also known as Villa Christopher or the northern brigade. Prisoners are generally tortured while in police custody when they cannot be visited by members of their family, lawyers or medical personnel.

159. Torture appears to be used principally to induce detainees to make statements incriminating others that can be used before the examining magistrate. Questioning by the examining magistrate after the period of police custody is conducted in the presence of members of the security forces, notably those responsible for torturing or maltreating the person under interrogation. In most cases members of the judicial police are alleged to have threatened prisoners with further torture in the course of their journey from the detention centre to the prosecutors department if they do not confirm the statements they signed while in police custody.

160. The most commonly used methods of torture are: a bottle forced into the anus, cigarette burns, blows, particularly on the genitals, electric shocks, the swing, in which the prisoner is suspended with the hands and feet tied to a rod supported on trestles. The prisoner has a gag in the mouth and is beaten with ropes, hosepipes or sticks. In this position he is insulted and the gag is soaked in liquids which the victim is forced to swallow to choking point. The liquids used include soapy water, dirty water and bleach. Attention was drawn to three specific cases:

(a) Kassim Ahmed Dini, an official in the Ministry for Foreign Affairs, and Ali Couba, a bank manager, who were arrested in August 1990 for possession of pamphlets criticizing the government and advocating a multiparty system. During his detention in the north brigade's quarters the former was kept tied to a rod standing on a chair, so that if he made a move to get down from the chair he was left hanging on the rod. Ali Couba was subjected to the swing, beating and electric shocks;

(b) Houmed Dini Ali (known as Lakisso) was arrested at Tadjourah in April 1989. As a result of maltreatment while in police custody, his jaw was broken and a rib was cracked.

Dominican Republic

Information transmitted to the Government

161. In a letter of 7 September 1992 the Special Rapporteur advised the Government that he had received information concerning the case of Felipe de Jesús Medrano García, director of the cultural promotion unit of the autonomous university of Santo Domingo. He was arrested at his home by personnel of the national police forgery squad and was taken to the police palace where he was kept until 24 January, when he was released. He was beaten with a wooden bat on various parts of the body including the buttocks and the loins. He was also struck on the left ear with a rubber truncheon.

Equatorial Guinea

Information transmitted to the Government

162. In a letter of 21 August 1992 the Special Rapporteur informed the Government that he had received information about the torture and resulting death of the following persons:

(a) Alberto Alogo, of Ndumu Eseng, Ebebiyin, Kie Ntem. He died in early 1990 in the Bata police station;

(b) Diosdado Abaga Nvo, of Milee Nsomo, Ebebiyin, Kia Ntem. He died on 5 July 1991 after detention by the Makabo police. The death certificate gives the cause of death as severe bruises all over the body, in particular the chest and abdomen and multiple wounds and haematoma.

163. The Special Rapporteur also received information on the case of Mr. Nicolas Masoko Elonga, a member of the Social Democratic Coalition, who was detained by police from 16 to 24 December 1991. He was tied up and flogged with a cudgel until he fainted.

164. The Special Rapporteur also addressed urgent appeals to the Government on behalf of the following who were, according to his informants, in danger of torture or maltreatment. The dates of the appeals are given in brackets at the end of the summaries of the various cases.

165. Plácido Mikó Abogo, founded of the Convergence for Social Democracy Party, and Pedro Motu Mamiaga were arrested at Malabo, the former on 9 and the latter on 23 February 1992 and taken to the barracks used by Moroccan soldiers. According to eye witnesses, Plácido Mikó Abogo was brutally beaten by eight policemen before he was removed and suffered serious injury. Pedro Motu Mamiaga was arrested only a few days after he had been released under a general amnesty law. (27 February 1992).

166. Pilar Mañana was arrested by security police during the afternoon of 10 June 1992 when she was in the bar of her property in Malabo. The report states that she was arrested for possession of a copy of the opposition publication "Convergencia para la democracia social". Another factor may have been her Kinsman, Jose Nuumba Mañana's membership of the opposition. He was himself arrested in May 1992 and subsequently released. (30 June 1992).

Egypt

Information transmitted to the Government and replies received thereon

167. By letter dated 4 September 1992 the Special Rapporteur transmitted to the Government of Egypt a summary of the main allegations received with regard to the practice of torture in the country, as well as a number of individual cases. In addition to this, the Special Rapporteur made two urgent appeals on behalf of persons who, according to the information received, were at risk of being tortured.

(a) Information transmitted to the Government with regard to the practice of torture in general

168. The Special Rapporteur was informed that torture had become routine police procedure carried out by ordinary police officers in police stations as well as by officers of the State Security Intelligence (SSI) at its diverse headquarters in Cairo and the provinces and even in some prisons such as the Tora. Torture is administered with the aim of extracting confessions or to punish political opponents and suspects.

169. Torture was reportedly restored in Egypt with the imposition of the state of emergency in the wake of the assassination of former President Anwar Sadat in 1981 and in conjunction with the phenomenon of violence committed by some political Islamist groups. Persons suspected of belonging to these groups have accounted for the bulk of torture victims during the past decade.

170. Torture has not been limited to suspected Islamist activists, however. It has come to include among its victims persons suspected of belonging to Nasserist and Communist organizations, Christians accused of enticing Muslims to convert and Muslims accused of converting to Christianity. Torture victims have also included journalists, lawyers, workers, doctors, engineers, university school students and school children. Palestinian residents and visitors have also been among the victims of torture in Egypt.

171. Along with the political cases, Egyptian citizens are reportedly exposed on a daily basis to inhuman and degrading treatment in police stations. Torture and mistreatment have become routine police procedure in the investigation of ordinary crimes and the interrogation of suspects.

172. Methods of torture include the stubbing of burning cigarette ends into the bodies of the victims, beatings with whips and leather straps as well as with solid objects, hanging in extremely awkward positions for long periods resulting occasionally in temporary or permanent paralysis, and the application of electric shocks to the genitals and to other sensitive parts of the body. Torture is normally accompanied by other forms of abuse, including verbal abuse and threats to kill the victim, rape him or rape his wife or women kinfolk. Prolonged incommunicado detention, permitted under state of emergency legislation, facilitates the practice of torture.

173. Information was received, in particular, with respect to abuses against convicted prisoners, administrative detainees and prisoners in protective custody incarcerated in the Tora prisons complex. These include imposing the whipping penalty and solitary confinement, with the latter punishment being widely practised by the Tora prisons authorities without adhering to the limits set by the law. Furthermore, prisoners are mistreated by denying them their daytime outings on the prison grounds and the visits of family members. In addition, there is a high incidence of repeated removal from prison in the middle of the night of many political prisoners, who are taken to the State Security Intelligence headquarters in Lazoughly where they are brutally tortured. Prisoners are most likely to be exposed to such treatment during the early part of their confinement.

174. Political detainees who are charged, and who claim to have been subjected to torture, may be examined by forensic medical doctors at the request of the niyaba (state procuracy) or the trial court. However, administrative detainees, held without charge or trial, usually have no opportunity to submit a complaint about their treatment to the competent authorities.

175. Medical examinations have often taken place long after the alleged torture occurred. However, in some cases forensic medical doctors have been able to conclude that physical marks on the bodies of political detainees are consistent with the methods of torture they describe and with the date on which the torture is alleged to have taken place.

176. The Special Rapporteur also received reports critizing Law 396 (1965) on the Regulation of Prisons, which in article 43, paragraph 7, allows the whipping of prisoners as a disciplinary penalty; the prisoner may be punished by being whipped not in excess of 36 lashes, and if the prisoner is under 17 years of age, the whip is replaced by a thin stick and the beating should

not exceed 10 lashes. The punishment of whipping is applied in all prisons - including the Tora prisons - by tying up the prisoner, half naked, to a wooden structure. In addition, Law 396 also allows solitary confinement as a disciplinary punishment for prisoners, restricting the duration of a single penalty to no more than 15 days. According to the information received, this period is often exceeded in the Tora prisons complex and some detainees spend the whole period of their administrative detention in solitary confinement.

177. According to the reports, torture victims do not normally make formal complaints, either because they do not believe any steps will be taken to investigate them or because they fear reprisals. The public prosecution finds it sufficient merely to record its observation of signs of physical abuse but does not engage in a serious effort to pursue the culprits.

(b) Individual cases transmitted to the Government

178. Mohammad Mu'taz'Ali'Abd al-Karim was 15 years old when he was arrested and tortured in 1990. On the first occasion, in May, he was held for two months. He was at liberty for only two weeks before he was rearrested and he remained in detention until 4 January 1991. During this time he was held by the SSI in Minya, in Upper Egypt, and in Istiqbal Tora prison outside Cairo; he was held in solitary confinement in a basement cell for about a month. He was blindfolded and his hands and feet were tied. He was reportedly stripped of his clothes and suspended from a bar resting on two tables. The soles of his feet were beaten. When his feet became swollen he was made to run or cold water was poured over them to bring the swelling down.

179. Hana''Ali Farrag was a 17-year-old student when she was arrested at her home in Minya towards the end of July 1990. She was suspended from a bar upside down and beaten on the soles of her feet with a thick wooden stick.

180. Dr. Ahmed Isma'il Mahmoud, a medical doctor, was arrested on 17 October 1990 when mass arrests followed the assassination of the Speaker of the People's Assembly, and was accused of having links with the Muslim Brothers. He was held initially at the SSI centre in Gaber bin Hayyan Street where he was blindfolded and stripped of his clothes, and his hands and feet bound tightly. He was said to have been beaten hard on the face and electric shocks were applied to his genitals. This treatment continued for four days, during which he was reportedly denied food and left alone, with no clothes, in a filthy room. He was taken to Abu Za'abal prison where he remained for 11 days, and was then transferred to the SSI Lazoughly Square headquarters, where the torture reportedly continued, in particular the electric shocks.

181. Mohammad Khalaf Youssef, a teacher, was arrested at his home in Asyut on the night of 15/16 December 1990. During his detention he was severely beaten, his wife threatened with torture, given electric shocks to sensitive parts of the body and suspended from the wrists.

182. Adel Sayyid Qassim Sha'ban was arrested in November 1990 in connection with the assassination in October 1990 of the former Speaker of the People's Assembly. During his detention he was beaten on various parts of the body, given electric shocks and suspended from his hands bound behind his back.

183. Al-Shadhly Ebeid Al-Saghir, a lawyer, was arrested at Safaga by security service agents on 9 September 1991 and taken to the Central Security Forces camp at Hurghada. Before being transferred to the Istiqbal Tora prison he was severely beaten, suspended and given electric shocks. He had already been arrested on 7 June 1991 and subjected to torture, as a result of which his right arm was temporarily paralysed.

184. Abdel Moneim Gamal al-Din, a journalist with the weekly al-Shaab, in September 1989 was called into the SSI headquarters in Giza, from where he was taken, blindfolded, to Lazoughly. There he was tortured and interrogated while blindfolded for several hours by a number of officers. The torture involved the application of electric shocks to sensitive parts of the body as well as beatings that resulted in injuries and oedema in his hands, thighs and feet.

185. Talaat Fouad Qassem, an engineer, was arrested several times in 1988/89. In the Istiqbal Tora prison he was held in solitary confinement in the disciplinary wing in an extremely tiny cell in which all air outlets had been sealed with the exception of one small hole. He was denied healthy food, clean water, necessary medication, bedding and covering and was allowed out of the cell to go to the toilet for only a few minutes each day. He was also subjected to systematic torture at the SSI headquarters in Lazoughly, to which he would be taken from the prison in the period between 1.00 and 4.00 a.m. The torture at Lazoughly included severe beatings, pulling out the hairs of his beard, and the application of electric shocks.

186. Muhammad Rashad Abdurrahim al-Imam, from Mansoura, was arrested and severely beaten in front of his family, as a result of which he became deaf in the left ear and his left shoulder was dislocated. He was also given electric shocks.

187. Kassab Mohamed Abbas was arrested on 11 May 1988 and accused of forming an organization aiming at a coup d'état. Following his arrest, he was put on a chair that was suspended upside down. In this position he was beaten with a whip and leather belts. Subsequently he was transferred to Abuza'abal prison, where he was beaten, and to Tora prison where he spent 13 months in solitary confinement.

188. Tal'at Fuad Qassim, an engineer, was arrested in 1988 several times and held, among other places, in the SSI headquarters in Lazoughly and in the Tora prison. He remained for long periods in solitary confinement and was repeatedly beaten and given electric shocks.

189. Atif Jamil Mahmoud, from Minya, was arrested on 5 February 1992 by a security force of 20 men who took him to the new SSI building in Minya. He was reportedly kept handcuffed and lying on the floor while he was given electric shocks. When he was released a few hours later he was unable to move one of his arms and to urinate.

190. Ahmad Thabet Muhammed, aged 17, was arrested in Assyut on 27 November 1991 and kept in detention until 6 February 1992. He was held incommunicado, first at the local SSI office in Assyut and then at a Central Security Forces military camp outside the city. On several occasions he was reportedly doused with water and given electric shocks right away. On one occasion his hands were cuffed in front, his ankles tied and he was suspended between two chairs from a pole placed under his legs; then he was beaten on the soles of the feet. He was also hanged on a door, with his hands cuffed behind his back, while the torturers kept opening and closing the door.

191. Ahmad Fathey Hafez, aged 17, was arrested at his school in Minya on 20 November 1991 and held without charge until 5 February 1992. While in the new SSI building in Minya, he was given electric shocks.

192. Fathiyya Sayyid Muhammed el-Kurd was arrested in February 1992 and taken to the SSI headquarters at Lazoughly where she was insulted, beaten on the face and given electric shocks.

193. Hani Abd el-Magd Haneh Saim was arrested in Tanta, north of Cairo, in October 1991 and taken to the SSI building. He was reportedly beaten, boxed about the face and given electric shocks.

194. Medhat al-Sayyid Ahmad was arrested on 15 November 1991 in Assyut and taken to the Central Security Forces camp. He was reportedly hanged over a door for short periods, doused with hot and cold water and shocked with electricity. He was also hanged from the ceiling by iron chains placed around his wrists.

195. Khalid Sayyid Mahmoud was arrested in Assyut on 16 November 1991 and taken first to the Assyut police station and the SSI building and later to the Central Security Forces camp outside Assyut. He was reportedly doused with hot and cold water and given electric shocks in sensitive parts of the body.

196. Khalid Muhammed Ahmad Omar, a civil engineer from Alexandria, was arrested on 25 October 1991 and taken, after some days, to Lazoughly. There he was beaten and given electric shocks on his nipples and genitals. For five hours he remained tied by his cuffed hands to the metal bars of a window, with his feet just touching the ground.

197. In addition to the above-mentioned, the Special Rapporteur made urgent appeals on behalf of the following persons, with regard to whom fears were expressed that they might be subjected to torture. The date on which they were sent is given in brackets at the end of the summary.

198. Haron Talha, a medical doctor, was arrested in the Governorate of Domyat for having given medical care to two persons who had been shot by a police officer. Despite the fact that the Public Prosecutor ordered his release, he was rearrested under the emergency law. (9 January 1992)

199. On 8 April 1992, the Government reported, that Haroun Talha had been arrested on 22 December 1991 on suspicion of harbouring some fugitives accused of assaulting Lieutenant Colonel Mutawi Abu Naga at Damietta. He was released on bail in February 1992. No evidence was found of his having been subjected to torture, since he did not submit any complaint to the competent authorities.

200. Hassan Izz ed-Din Malik, Muhammad Khairat al-Shatir and Taher Abdel Moneim were arrested on 5 February 1992 at the headquarters of the Salsabil Computer Company, 186 Hijaz Street, Heliopolis, by state security personnel who took them to the Tora prison on suspicion of membership of the Ikhwan al-Muslimin group. (2 March 1992)

(c) Follow-up to cases included in previous reports

201. By the same above-mentioned letter of 4 September 1992 the Special Rapporteur transmitted to the Government additional information with respect to the cases of:

(a) Mohammad al-Sayyid Higazi. An urgent appeal had been made on his behalf on 23 September 1991 and the Government replied on 19 November 1991 (see E/CN.4/1992/17, paras. 76-77). According to the additional reports received, Mohammad al-Sayyid Higazi was tortured for several weeks at the SSI, Doqqi branch, Cairo, and at the SSI headquarters in Lazoughly Square, Cairo. After being detained initially in Doqqi on 18 August 1991, he was reportedly transferred to Istiqbal Tora prison. He was returned a few days later to the headquarters of the SSI in Lazoughly Square, where he was allegedly held for two more weeks and tortured. He was then taken back to prison. Methods of torture included electric shocks on sensitive parts of the body and hanging him by his wrists for long periods of time.

(b) Afifi Matlar. His case was transmitted to the Government on 18 October 1991. On 24 October 1991 the Government reported that no complaints had been filed with the judicial authorities concerning his subjection to torture or ill-treatment (see E/CN.4/1992/17, paras. 84 and 86). On 26 January 1992 the Government again reported that an exceptional measure had been taken against Muhammad Afifi Amer Matlar on 2 March 1991 for security reasons in view of his engagement in activities prejudicial to the country's security. However, he was released on 9 May 1991 and there is no evidence of his subjection to any form of torture during the period of his detention. Additional reports received by the Special Rapporteur in 1992 indicate that Mr. Matlar's lawyer had informed both the Prosecutor General and the Court about the torture and that, nevertheless, no action had been taken.

202. With respect to the case of Mamdouh Ali Youssef's wife, transmitted by the Special Rapporteur on 18 October 1991 (see E/CN.4/1992/17, para. 85), the Government reported on 26 January 1992 that no evidence was found concerning her miscarriage as a result of torture. She gave birth to a child, as a result of the pregnancy in question, close to the time when her husband was arrested.

El Salvador

Information transmitted to the Government

203. In a letter of 21 August 1992 the Special Rapporteur informed the Government that he had received information on the following cases of torture:

(a) Ulises Arnulfo Rivas Hernández, age 18, was arrested in San Salvador by the national police and was beaten over a period of three days. The torturers threatened to kill him and prevented him from sleeping.

(b) Hugo Ernesto Sánchez Rosas, a shoemaker was arrested by the national police on 6 June 1991 on the boulevard del Ejercito, Ilopango, San Salvador. He was taken to the central barracks, led to an extremely cold room and brutally beaten.

(c) Carlos Baltazar Recinos Cortez was arrested by the national guard on 11 September 1989 in Armenia, Sonsonate. He was taken to the national guard post and subjected to tortures such as electric shocks on the left nipple and the "weighing machine" (in which a container is tied to the victim's testicles and filled with sand or other heavy material, causing severe pain). The tortures repeatedly threatened to kill him.

Information received from the Government in connection with Commission resolution 1992/42

204. The Special Rapporteur took note of a number of communications from the Government listing in chronological order a series of attacks on lives and property carried out by the Farabundo Martí Front for National Liberation in 1992.

Greece

Information transmitted to the Government and replies received thereon

205. By letter dated 21 August 1992 the Special Rapporteur communicated to the Government that he had received information concerning the practice of torture in the country. The Government replied to this letter on 30 October 1992.

206. According to that information, law enforcement officials have tortured or ill-treated individuals or groups of people in their custody. The branches responsible are said to be the Security Police, which is in charge of criminal investigations, and the regular police which carry out general policing duties. It was also reported that detainees are frequently not given the right to communicate with a lawyer until the interrogation is over and they have signed a statement. On the other hand, Greek law does not ensure the right of a person in initial police detention to communicate with relatives or friends. Whether or not a detainee is permitted to contact relatives is left to the discretion of the police officer responsible for the investigation. These legal shortcomings reportedly contribute to the practice of torture.

207. In addition to the above, many of the officials who allegedly inflicted severe injuries on people in their custody apparently went unpunished and continued in their duties. In addition, some judicial officers do not appear to be investigating allegations adequately and in some cases have failed to take appropriate action when alleged torture or ill-treatment has been brought to their attention by victims or their lawyers. The following 21 individual cases were reported.

208. Dimitris Vavatsikos was arrested with a friend on 5 February 1990 in central Athens. They were reportedly beaten with wooden clubs and verbally abused by police from the E Police Station.

209. With respect to this case, the Government reported that Mr. Vavatsikos was among a group of demonstrators who were arrested and taken first to the 4th Police Station of Athens and later to the Security Division of Attica. While in these places, he neither mentioned any injuries nor asked to have a medical examination and the policemen did not notice any visible signs of ill-treatment. The policemen's behaviour towards Mr. Vavatsikos and all the other persons was legal and appropriate. Any injuries he possibly sustained were due to his participation in the riots during which he was arrested and were undoubtedly caused prior to his arrrest. Apparently, Mr. Vavatsikos was injured during the clashes between policemen and demonstrators.

210. Kostas Stamateas was arrested on 5 February 1990 near Omonia Square, Athens, and forced into a police van where he was reportedly beaten with wooden clubs and verbally abused. A medical report certified grazing, swelling and bruising on the face, head and other parts of his body.

211. With respect to this case, the Government reported that Mr. Stamateas and two accomplices had been arrested for breaching the Arms Act and transferred to the Security Directorate of Attica by Police Sergeant Vlavogilakis. The behaviour of the police officers during the transfer and detention of the three persons was legal and appropriate. Any wounding of Mr. Stamateas was due to his participation in the incidents during which he was arrested, possibly during the fight between police officers and demonstrators, and was caused, in any case, before his detention. His two accomplices did not complain of any ill-treatment, and he himself did not lodge a complaint against the police officers.

212. Sotirios Kalogrias was arrested on 24 March 1990, together with a friend, at Exarchia Square. They were pushed inside a police van where they were punched and verbally abused by about 15 police officers. Subsequently they were taken to the Security Police Headquarters in handcuffs where police officers allegedly continued to beat Sotirios Kalogrias on his face.

213. The Government replied that although the forensic surgeon characterized the bodily injury suffered by Sotirios Kalogrias as light, the Public Prosecutor of Athens started legal proceedings against the policemen for causing dangerous bodily injuries which, according to the penal legislation in force, is punishable by serious penal sanctions. On 24 July 1992 two policemen were committed for trial, which will be held on 6 October 1993. If they are convicted the relevant disciplinary sanctions would be imposed on them.

214. Sehmus Ukus, a Kurd and Turkish citizen, was detained on 4 July 1990 by police in central Athens. He was reportedly taken to an area of high ground, stripped naked and hung from a tree. He was later taken down, burned on the soles of his feet and his genitals with a cigarette lighter and beaten with sticks.

215. The Government replied that Mr. Ukus had filed a complaint against three policemen at the Public Prosecutor's office. After the corresponding investigation was concluded, the complaint was rejected as unfounded, as a result of which Mr. Ukus was not examined by a forensic surgeon. He did not lodge an appeal against the decision. The results of the inquiry ordered by the Ministry of Public Order and carried out by the Security Division of Attica were also negative.

216. Pantelis Tsoumbris was arrested on 16 January 1991 in Athens by two policemen who beat him on the head, feet, back and genitals with their truncheons. Afterwards, they took him to the G Police Station where the beatings continued.

217. The Government replied that the Public Prosecutor of the Magistrate's Court of Athens started legal proceedings against Sergeant Palskovitis and Constables Theofilopoulos and Ntovros for light physical injury and verbal abuse against Mr. Tsoumbris. The trial was fixed for 4 December 1992. Mr. Tsoumbris can claim an indemnity for moral injury during the trial. In addition to this, the Ministry of Public Order, on the basis of the administrative investigation carried out, judged that the three policemen had committed a disciplinary offence and imposed fines on them.

218. Suleiman Akyar, a Turkish refugee, was detained in Athens on 21 January 1991, on suspicion of being a drug dealer. Subsequently, he was taken to the KAT Hospital in Athens, where he was operated on for a ruptured small intestine. The hospital reportedly found fractures of three ribs, severe cranial and brain injury, extensive bruising on his body and injuries on his genitals. He died on 29 January.

219. The Government reported that the injury and death of Suleiman Akyar provoked the immediate response of the Ministry of Public Order and the competent police authorities. From the very first moment, all requirements for a detailed and objective judicial and administrative investigation of the case were ensured. The judicial investigation is being conducted by the 19th Regular Examining Magistrate of Athens. The administrative investigation revealed that Akyar's death was a result of the physical injury caused by the blows he received from the police who were defending themselves, using analogous means. However, it was considered appropriate that the judgement as to what constituted a necessary level of defence should be left to the judge. If the police involved in the incident are convicted, the corresponding severe disciplinary sanctions would also be imposed.

220. Vasilis Makrinitsas, Vasilis Makripoulias and Argyris Kavatas were punched, kicked and threatened with revolvers at the Security Police Station in Thebes on 7 April 1991. One of them had a cigarette put out on his face.

221. The Government reported that on 11 April 1991 Vasilios Makripoulias and Argyrios Kavatas appeared spontaneously at the police station in Thebes and testified under oath that they wished to withdraw the charges they had filed against two police officers and that they did not wish them to be prosecuted, adding that on 7 April 1991 (the date on which they had filed the complaint) they had acted under the influence of alcohol. Nevertheless, the Ministry of Public Order ordered an administrative investigation on 9 April 1991, which was completed on 25 April 1991. The results showed that the acts of the police officers during the arrest and detention of the complainants had been correct and, as a consequence, no disciplinary measures were taken against them.

222. Artan Malaj, a 17-year-old Albanian, was arrested by the police on 3 May 1991 and taken to the General Security in Alexandras Avenue, Athens. While in custody he was beaten in the head and stomach.

223. The Government reported that, according to the preliminary investigation ordered by the Public Prosecutor of the Magistrate's Court in Athens, Mr. Malaj's injuries were caused by his fall from the stolen motorbike he was driving. On this basis, the Public Prosecutor dismissed the complaint as unfounded. The results of the administrative investigation, based on Artan Malaj's depositions, as well as on those of the involved citizens and police officers, on the medical examination report and on the file of proceedings of the case showed, inter alia, that Mr. Malaj's allegations were unreliable and that he had filed a complaint to the Public Prosecutor only after an unsuccessful attempt to escape, obviously for reasons of revenge.

224. Mehmet Hayrettin Arat, a Kurd and a Turkish citizen, was arrested on 25 June 1991 on drug-related charges. While in custody he was punched in the face, threatened with a revolver and had a plastic bag put over his head so he could not breathe. He was also subjected to falanga (beating on the soles of the feet), after which he was forced to run on his swollen feet.

225. The Government replied that no complaints for ill-treatment had been lodged with any judicial or administrative authorities during the course of the legal case against Mr. Mehmet Hayrettin Arat. His co-defendants, one of whom was his compatriot, made no mention of ill-treatment.

226. Dimitris Papatheodoros, a businessman, was arrested on 4 July 1991 in Athens by the police who took him to the 4th Police Station. While in custody he was slapped, kicked and hit, made to strip naked and subjected to a body search.

227. The Government reported that the 13th (police) Magistrate of Athens is carrying out the preliminary investigation. The Ministry of Public Order has not taken a definite decision about any disciplinary responsibility of the policemen involved in this case, pending a decision by the judicial authorities.

228. Stella Evgenikou was arrested on 18 July 1991 by some 10 riot policemen who kicked and beat her with truncheons. She was subsequently taken to police headquarters where she was reportedly hit again on her face. The Evangelismos Hospital found that she had bruises on her thorax and two fractured ribs.

229. The Government replied that the Council of Magistrates in Athens committed Constable Harilaos Dervas to a three-member magistrate's court to be tried for simple physical injury. When Ms. Evgenikou was informed of this, she lodged an appeal. No decision has yet been taken concerning this appeal. The Police Operations Division of Attica, when informed of the order of committal, ordered an administrative investigation; this investigation has not yet been completed.

230. Avgoustis Anastasakos was arrested in September 1991 on suspicion of theft at Patmos Island by policemen who, after tying his hands behind his back, kicked him in the neck, face and genital organs. Afterwards, they reportedly hit him on his back with cables and broke one of his teeth.

231. The Government reported that the Public Prosecutor of Kos ordered a preliminary examination by a judicial official in order to ascertain whether there was reason for penal action. This examination is still being carried out by a magistrate from Athens. The administrative investigation determined that the bruises and scratches borne by Avgoustis Anastasakos had been caused some days before his arrest and detention, according to the medical report, and that the behaviour of the police officers had been lawful and proper.

232. Pavlos Nathaniel and Kostas Diavolitsis were hit with clubs and kicked by policemen who handcuffed them together in September 1991, in Athens. As a result, Kostas Diavolitsis suffered bruising in the area around his right kidney and Pavlos Nathaniel needed stitches on his legs.

233. The Government replied that the final decision as to the circumstances of the injury of the above-mentioned and, more specifically, if this was accidental or if it was caused by the police officers who were chasing them, was under investigation by the competent court. The trial, during which the complainants are entitled to ask for an indemnity, will be held on 11 May 1993. The Ministry of Public Order is awaiting the judgement before deciding on disciplinary sanctions against the accused police officers.

234. The Special Rapporteur also transmitted to the Government information according to which on 2 November 1991 33 people were detained by six policemen who caught them putting up political posters in an Athens street. They were all taken to the headquarters of the Security Police on Alexadras Avenue, where some of them were subjected to ill-treatment. The following cases, in particular, were reported:

(a) Yannis Ballis. He was beaten to the point of breaking one of his hands and threatened with execution;

(b) Michael Bachsevanis. He was hanged from a window and threatened with being thrown out;

(c) Dina Kalakou. She was heavily beaten all over her body;

(d) Maria Nikolaides. A police officer reportedly grabbed her by the hair and banged her head against a wall;

(e) Georgios Meriziotis. He was beaten on the head, ribs and legs with clubs.

235. With respect to these cases, the Government reported that the Public Prosecutor had brought penal charges against the policemen responsible for unintentional severe physical injury, dangerous bodily injury, light physical injury, verbal abuse and threat, and ordered an investigation to be conducted by the 15th Regular Examining Magistrate of Athens. This investigation has not yet been completed. The administrative investigation of the case was conducted by the Security Directorate of Attica. The results showed that the injuries caused were explained by the fact that the police had to use violence, which was absolutely necessary and lawful, in their effort to arrest the bill-posters who were verbally abusing the police officers and offered resistance in order to hinder the police in performing their lawful duties. If during the judicial investigation of the case it is proved that certain police officers are to be held accountable for their actions, the Ministry of Public Order will impose the appropriate disciplinary sanctions.

236. In concluding its reply with respect to the individual cases, the Government commented that from the analysis of the evidence available, it was objectively and impartially proven that the allegations of torture or ill-treatment were unfounded, or at least exaggerated, and that the issue of torture or inhuman treatment of persons in the country should not be raised, since:

(a) The legal framework instituted for the protection of human rights and liberties and for the prevention of any form of inhuman treatment is not only sufficient and responds to the spirit and letter of United Nations declarations, but it is also fully observed and implemented;

(b) In the very few and isolated cases in which the conduct of a very few policemen, out of a force of 42,000, was not proper or that provided by the regulations, investigations were conducted according to the penal and disciplinary provisions and the appropriate sanctions were imposed. In some of these cases where the judicial and administrative investigation have not yet been completed, the appropriate sanctions will be imposed. Despite the fact that there may be extenuating circumstances in favour of the police officers accused deriving from the circumstances and the conditions under which the incidents occurred (transgression of the limits of self-defence, violent riots, etc.) and the fact that similar cases may exist for all the police forces in the world, all such cases are always subjected to judicial and administrative investigation and control.

Information received from the Government with respect to cases included in previous reports

237. On 10 February 1992 the Government sent a reply with respect to the following cases, which had been transmitted by the Special Rapporteur on 18 October 1991 (see E/CN.4/1991/17, para. 101):

(a) Liam de Clair, arrested on 17 July 1990 and taken to Ios police station. The Government reported that he was arrested on 17 July 1990 and brought before the Public Prosecutor the very next day. He would obviously have complained before him if he had been ill-treated. He had no contact with a lawyer because on the small island of Ios there was neither a lawyer nor the possibility of providing him with one. The shed in which he was detained outside the police station was a normal detention room. As to the information according to which Mr. Liam de Clair was given a medical examination which certified that he had bruises, it should be borne in mind that many detainees harm themselves in a attempt either to create false impressions or to minimize their stay in detention rooms in exchange for hospitalization;

(b) Emmanouil Kasapakis was beaten by policemen on 23 September 1990. The Government reported that Mr. Kasapakis was visited by the police on the night of 21/22 September 1990 after his neighbours complained of the disturbance of the peace caused by the people in Mr. Kasapakis' apartment. In the course of their third visit Mr. Kasapakis and two other people attacked and insulted them. As a result, Mr. Kasapakis and one police officer were wounded and subsequently transported to the hospital. An investigation was carried out; however, no responsibility on the part of the police officers involved in the incident was established. Mr. Kasapakis himself refused to go to the police station to testify concerning the case.

(c) Kostas Andreadis, arrested on 23 March 1990 on suspicion of being a member of the "Vigilant Anarchists" organization. The Government reported that an inquiry carried out by the competent police department in Thessaloniki established that Mr. Andreadis confessed on his own free will the unlawful acts he had committed (possession of arms, arson, robberies, etc.). On 24 March 1990, the police authorities presented Mr. Andreadis to television and newspaper journalists. In the course of this press conference the detainee described his acts without alluding to any sort of torture or ill-treatment inflicted upon him.

Guatemala

Information transmitted to the Government

238. On 21 August 1992 the Special Rapporteur informed the Government that he had received reports on the following cases of torture in Guatemala:

(a) Walter Federico Flores, age 17, was severely beaten on 23 October 1991 in the Botellón area, intersection of 4th Avenue and 19th street, Zone 1, Guatemala, by young men wearing police cadet school uniforms. He was left unconscious under a bridge and later received medical attention at the Casa Alianca;

(b) Douglas Gadea Morales, a Nicaraguan, was arrested at Guatemala City airport on 22 September 1991 by police and the Drug Enforcement Agency representative in Guatemala. For five hours he was given electric shocks and severely beaten. Threats were made to kill him;

(c) Juan Pablo Lemus Silva, an official of the International Union of Food and Allied Workers associations was arrested at Monte Carlos, Mixco, on 20 November 1991 by police who beat him and left him semi-conscious. He was later taken to the Zone 19 national police 4th corps station and again beaten;

(d) Eduardo Amado López Hernández, age 14, was arrested at a secondary school pupils' demonstration on 27 April 1992 by personnel of "Hunapu", a recently created unit consisting of personnel of the national police, mobile military police and the armed forces. He was beaten and forced to drink bleach.

239. The Special Rapporteur also received information on the maltreatment of the following street children: Moisés Rivas, age 15, Marvin Antonio Mejía (also known as Diego Chouza Franco), age 16, Manuel López, age 16, Carlos Antonio Contreras, age 17; Boris Velásquez, age 17, Juan López Gonzalez also known as Tijuana, age 12, Erik Mendoza Lopez also known as Leprosy, age 17, José R. López and Luis Antonio Roldán.

240. According to the information received 16 street children, including those listed, were arrested by the mobile military police in Guatemala City, Zone 1, on 6 March 1992. According to witnesses they were beaten and handcuffed on arrest. One, Carlos Antonio Contreras, had been badly beaten on 24 February 1992 by national police who accused him of stealing some sunglasses.

241. Melvin Enrique Girón and Omar Francisco Morán were arrested by four members of Hunapu on 18 March 1992 in the Barrajuste market, Guatemala City, Zone 1. They were beaten on arrest and the first mentioned was given electric shocks using the "Chinese stick".

242. José Vidal, Nelson Larios, Mario René Hernandez Aguirre and Fernando Sarcéno were arrested by Hunapu personnel on 19 March 1992, also in the Barrjuste market. They were taken into a van and beaten and thrown out while the van was moving.

243. Felipe González, also known as Chiripa, age 14, and José Corrado Mendoza, also known as Olindo, age 18, were severely beaten by men believed to be connected with the security forces in Guatemala City, Zone 1, on 20 January 1992.

244. In addition the Special Rapporteur addressed an urgent appeal to the Government under resolution 1992/59 concerning the cases of David Estuardo Mejía Paiz and Axel Mejía Paiz on 7 April 1992. During the preceding months the Paiz family had been the target of continuous threats and harassment and their home had been kept under constant observation by men believed to be connected with the security forces. Axel Mejía worked as supervisor of the Casa Alianza emergency centre. The Casa has supplied information to the United Nations concerning the maltreatment frequently suffered by street

children (see E/CN.4/1992/17, para. 104). Mr. Mejía was the principal witness in the trial of 26 members of various police units accused of involvement in an incident on 7 November 1990 when three children were brutally attacked by security forces' personnel outside the Casa Alianza. Subsequent to his testimony threats had mounted and on 12 March 1992 David Mejía Paiz, Axel's brother, was kidnapped and held for several hours by men in civilian clothes driving in a black vehicle with polarized windows.

245. The Special Rapporteur took note of the information transmitted by the Government of Guatemala on activities of the irregular groups as a result of which several persons were executed or injured and two died when abandoned mines exploded. He was also informed of damage to property caused by these groups.

Haiti

Information received from the Government in connection with Commission resolution 1992/42

Information transmitted to the de facto Haitian Government

246. In a letter of 5 October 1992 the Special Rapporteur informed the de facto Government that he had received reports that persons arrested for political reasons were almost invariably beaten on arrest and were subsequently maltreated in prison. The following 23 cases had been reported to him:

(a) Evans Paul, major of Port-au-Prince and leader of the Confederation for Democratic Union (Konfederasyon Inite Democratic) was arrested at Maïs Gate international airport on 7 October 1991 by soldiers who, in the presence of witnesses, took off his clothes, hit him with their helmets and revolvers and burned him with a red hot rifle barrel. He was detained for several days in prison and a military school where the soldiers beat him again and again. When he was released he had broken ribs, multiple bruises and wounds on the back, head and eyes and a bad burn caused by the hot rifle barrel;

(b) Danny Toussaint, captain, and Pierre Cherubin, police chief, were beaten by security forces, who also threatened to kill them, when they were in the National Palace on 30 September 1991;

(c) Aldajusts Pierre, a member of the Papaye Peasant at Hinche, Central Department, was arrested by soldiers from the Hinche military base on 16 October 1991 and accused of being in possession of an underground newspaper. According to the information received he was badly beaten in prison and denied medical treatment;

(d) Casimir Rosalvo was arrested during a military raid on a working class district of Gonaïves on 11 November 1991. He was tortured by soldiers, causing swelling of the genitals, ears and eyes. A soldier started to cut off one of his ears but a second soldier stopped him;

(e) Raymond Toussaint, a member of the national committee of the congress of democratic movements (KONAKOM) and the rural development group (CODEP) in the Petite Rivière de L'Artibonite district was arrested on 24 October 1991. He was detained, initially at Petite Rivière and later at St. Marc. He was badly beaten, particularly on the head and right ear;

(f) François Destin, of Verrettes in the Artibonite valley and member of a young people's religious group, was arrested on 10 November 1991. He was taken to the Verrettes military base where, witnesses say, he was beaten and tortured by soldiers using the "Jack" method in which a stick is placed under the victim's thighs and above his arms;

(g) Napoléon Saint-Fleur was beaten by soldiers when they arrested him in October 1991. He was taken to Cap-Haitien prison and, according to other prisoners, regularly beaten;

(h) Chéneker Dominic was badly beaten by a group of soldiers who were trying to arrest his father, a businessman in Jérémie, Grande-Anse. Because of the beating he was unable to walk for a week;

(i) Ernest Charles was attacked by uniformed policemen on 28 October 1991. The beating caused bleeding of the ears and mouth. He was later ordered to report to the police station every three days;

(j) Jean-Claude Museau, also known as Klodi, a teacher at Les Cayes, was arrested on 30 December 1991 and accused of putting up posters of President Aristide. He was severely beaten on the head and a knife was used to slash his buttocks. He was released on 6 January and died two days later, probably because of the maltreatment during detention and the lack of medical attention;

(k) Renoir Saint Pierre was arrested at Gonaïves, Artibonite, on 5 March 1992 and taken to the Toussant L'Ouverture barracks. He was badly beaten, especially on the face, eyes and ears;

(l) Yvon Desrose, a teacher at Mirebalais in the central plateau, was badly beaten by two soldiers on 19 March 1992. They accused him of having written graffiti;

(m) Renand Damilus, known as Ti Zonbi, was savagely beaten with truncheons on 8 March 1992 at Ti Plas Boudet in the Villar section, west department, by the chief of section's aides;

(n) Valentin Villard, member of the Fort-Liberte people's nationalist movement was arrested by police at Trou-du-Nord, north-east Department. He was badly beaten and because of the maltreatment is reported to be unable to walk;

(o) Jaquelin Louis was arrested by two armed civilians in La Fossette (Cap-Haitien). He was violently beaten when arrested and the beating continued in prison, causing his death;

(p) Camille Chalmers, professor, was arrested at the Port-au-Prince Faculty of human Sciences on 20 May 1992. He was taken to the anti-gang branch where he was struck with rifle butts and a metal chair, mostly on the nape of the neck, the shoulder blades and the spine. He was slapped on the ears several times, causing the perforation of the right ear drum;

(q) Marlène Chéry, a school girl, was arrested on 21 May 1992 and taken to the anti-gang branch in Port-au-Prince. She was severely beaten with an iron rod on the lower abdomen;

(r) Moléon Lebrun was arrested in Bois de Lance, Limonade, Cap-Haitien on 28 April 1992. He was taken to the Limonade police station and severely beaten every day for two weeks;

(s) Valentin Villar and Jerry Rosefort, two members of the Asanble Popilè Veye Yo, were arrested at Trou-du-Nord on 11 May 1992. They were tortured while in detention. As a result Valentin Villard died in the Fort-Liberé prison;

(t) Jean Luckner, of Petit-Gôave, Fort-Royal, was arrested on 16 May 1992 and taken to the nearest military post. There he was beaten with clubs and wires, lacerating his back;

(u) Wilcena Dorléus, a teacher at Petit-Gôaves was arrested by members of the armed forces in the Sylvio Cator stadium, Port-au-Prince, on 24 May 1992. He was taken to the "Cafeteria" detention centre and the national penitentiary and severely beaten. According to a medical report he suffered injuries to the skull and thorax and his right arm was broken.

247. In addition to the cases detailed above, the Special Rapporteur received a list of persons tortured after arrest in early 1992 and late 1991. The list included: Adissou Codio, Aji Lusma, Aubourg Etzer, Deina Joseph, Destin François, Elsie Mehu, Erichard Zinme, Leridor Simon, Madsen (Ti Yaya), Paul Anelo, Cosena Gabriel, Vanesse Cadeaux, Vaudre Abelard, Deshommes Odilon, Desravines Fritz, Legagneur Jean Robert, Nelyo Desana, Pierre Jaques, Pierre Jeannel, Senpreuil Jaques, Vilbrun Lebrun, Charles Roosevelt, Jean Baptiste Dieulaime, Demesvar Joseph, Dieuseul Dieupanou.

248. The Special Rapporteur received further information on the case of the journalist Paul Jean Mario on whose behalf he made an urgent appeal on 10 December 1991. According to the information, his health has badly deteriorated because of torture. He is said to have been refused transfer to a hospital for treatment.

249. The Special Rapporteur also made urgent appeals on behalf of the persons mentioned below. The date of the appeal is given in brackets at the end of the summary.

250. Paul Laroche, a teacher, was arrested by soldiers on 16 October 1991. He was savagely beaten on arrest and had to be committed to the national penitentiary infirmary. Despite his precarious health, it appears that he has not received medical attention or been examined by a doctor (19 December 1991).

251. Kechnerd Pierrilis, sacristan of the St. Michel chapel, Alfred Elouis and Marc André Benoit were arrested near Germaine on 18 January 1992 by the chief of the Cazale rural section and his aides, who beat the prisoners severely before taking them to prison (30 January 1992).

252. Mr. Tessonot, principal of the Cayes Lycée, Mr. Olivier, a teacher at the Lycee, Mr. T. Nixon Bogat, the former correspondent of Radio Haiti Inter at Cayes, Father Verdier adn Mr. Guillite, deputy mayor of Cayes, were arrested by soliders at Cayes on 3 June 1992 and taken to the barracks. They were severely beaten on arrest, particularly Mr. Guillite who is said to be in very poor health (5 June 1992).

253. Twelve students, including Antoine Wesner and Marilide Noël, were arrested by the armed forces during the protests at the State University of Haiti Faculty of Agronomy on 1 December 1992. They are reported to have been taken to the anti-gang branch. One of the women students who took part in the protests was severely beaten. Her health is reported to be precarious (11 December 1992).

India

Information transmitted to the Government

254. By letter dated 21 August 1992 the Special Rapporteur communicated to the Government a summary of the main allegations received with regard to the practice of torture in the country as well as a number of individual cases. In addition the Special Rapporteur made two urgent appeals on behalf of persons who, according to the information received, were at risk of being tortured.

a) Information transmitted to the Government with regard to the practice of torture in general

255. According to the reports received, criminal suspects form a large proportion of India's torture victims. The most common purpose of torturing criminal suspects is to extract a confession or to secure information about a crime, however petty the offence and irrespective of whether a crime has actually been committed (people can be detained for trivial reasons such as "moving suspiciously" or travelling on a train without a ticket). Even children as young as six have been arrested and allegedly tortured in connection with petty criminal offences.

256. Other victims are people arrested for their political convictions or people arrested in connection with the situations of armed conflict that prevail in the north-east, Jammu and Kashmir, and Punjab. In these cases torture is a means of obtaining confessions and gathering information, but it is also used as a deterrent and in reprisal for attacks by armed groups. In

these areas of armed opposition the security forces are empowered, under the Terrorist and Disruptive Activities (Prevention) Act (TADA), to arrest suspects and detain them for up to one year without charge or trial, for investigation into broadly defined offences.

257. The most common torture methods are severe beatings, sometimes while the victim is hung upside down, and electric shocks. People have also been crushed with heavy rollers, burned, stabbed with sharp instruments, sexually mutilated and had objects such as chilies or thick sticks forced into their rectums. Rape and ill-treatment of women by the police seems to be widespread throughout the country. In the north-east states and Jammu and Kashmir, there is a pattern of rape of women by the army and paramilitary forces for perceived support for armed insurgents.

258. The police are protected from prosecution by the Code of Criminal Procedure for acts committed while on official duty. In parts of the country in which armed opposition is active, immunity from prosecution is explicitly sanctioned by specific legislation. Thus, in exercising the powers provided in the Armed Forces (Special Powers) Act, currently in force in Punjab, Jammu and Kashmir, and Assam and other north-east States, the security forces are granted immunity in advance from possible prosecution. Ordinary legal safeguards do not apply. Section 6 of the Act reads: "No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in the exercise of the powers conferred by this Act". In addition, the Code of Criminal Procedure (Amendment) Bill adopted in September 1991 protects all government officers from any prosecutions for actions taken in the course of duty when a State is under direct rule from the central Government. In those States, officials may be prosecuted only with the central Government's permission.

259. In addition to this, several well-established procedural techniques for evading prosecution for human rights violations provide informal but effective impunity for police and security forces throughout the country. These include the failure to register complaints, acknowledge detention or to apply other legal safeguards; denial of responsibility; falsification of judicial records and post-mortem reports, sometimes by having them carried out at police hospitals; intimidation of witnesses and complainants; and influencing police inquiries by having them conducted by police from the same branch and delaying their outcome and prosecutions. These techniques are supported by institutional practices and official policies which provide minimal sanctions against those few police or soldiers who are held accountable for custodial violence.

260. In these circumstances, relatives have rarely succeeded in initiating criminal prosecutions of police officers allegedly responsible for torture. On the other hand, redress for the victims or their families is almost impossible to obtain; most of them have neither the information nor the resources required to seek it. Faced with a failure by the authorities to prosecute, some relatives have brought private complaints. However, these are hard to substantiate because most inquiries into custodial deaths, for example, if held at all are conducted by a member of the civil service and not

by an independent authority and reports of these inquiries and of post-mortem examinations are often withheld. Private criminal prosecutions are, on the other hand, costly and subject to extremely long delays.

(b) Individual cases transmitted to the Government

261. Mohammed Akbar, a farmer from Checksiri, Jammu and Kashmir, was arrested in the village of Kalsiri on 9 May 1990 by BSF (Border Security Force) policemen. During the 12 days he remained in detention he was severely beaten. On 19 November 1990 he was rearrested and taken to an army camp in Hyderbeig, Pattan subdivision. While at Hyderbeig he was beaten repeatedly on his hands and feet with a stick; as one man held him, another dropped some chili powder into each of his eyes.

262. Ghulam Mohiuddin S., a schoolteacher from Palhalan, Pattan subdivision Baramulla district, Jammu and Kashmir, was arrested on 5 June 1990 by BSF police. For several hours he was made to bend over and struck repeatedly. The police rolled heavy rollers over his thighs and kicked him with heavy boots.

263. Abdul Qayoom K., a shopkeeper and part-time tailor from Ganghipora, Pattan, Jammu and Kashmir, was arrested on 19 September 1990 by two CRPF (Central Reserve Police Force) police. During his detention he was severely beaten. At one point, he was suspended from the ceiling by a rope and while he was hanging in the air, his ear and beard were burned with a candle.

264. The following 15 cases of death under torture were also reported:

(a) Bashir Ahmad was arrested on 23 August 1991 by police of Madanapalle town police station. He died the following day either in the lock-up of the Madanapalle thana or in the government hospital, allegedly as a result of police beatings;

(b) Uppuleti Chandraiah from Peechupalli, Karimnagar district, was arrested on 5 March 1991 on suspicion of robbery. Four days later he died in Husnabad police station, allegedly as a result of torture;

(c) Bubul Barua, from Puli Nahoroni village, Kherajghat, Mauza, Lakhimpur, was arrested on 12 October 1991 by the army in Bandardawa village. He died on 22 October, reportedly as a result of injuries sustained under torture. Medical reports indicated a rupture of the kidneys due to beatings;

(d) Dibakar Handique, office assistant at Rajgarh College, from Basapukhuri, Dholpur Maiza, Narayanpur, North Lakhimpur. He was arrested on 28 September 1991 and died on 1 October in an army camp, allegedly as a result of torture;

(e) Dhruvajyoti Gogoi, a student, was arrested on 17 March 1991 at Doomdooma, Tinsukia, by the army. Two days later his body, bearing marks of torture, was handed over to the police;

(f) Gambhir Gogoi, tea estate employee from Nagajan, Duliajan, Dibrugarh district, was arrested by the army at the end of November 1990. A few days later his body, bearing marks of torture, was handed over to the police;

(g) Doka Babonga was arrested on 21 November 1991 by Gua police, East Singhboom district. He died on 4 December at the prison ward of MGM College Hospital. Medical reports indicated as the main cause of death continuous bleeding from the abdomen due to internal injury, caused probably by torture;

(h) Darshan Singh (or Darshan Lal), from New Seelampur Colony, East Delhi, was arrested on 10 March 1992 in connection with a robbery. He was reportedly tortured at the anti-auto theft unit of the north-east district of Delhi police. He died on 17 March at LNJP (Irwin) hospital, allegedly as a result of injuries sustained under police torture. Medical reports indicated the main cause of death to be a head injury;

(i) Savinder Singh, businessman, resident of South Delhi, was arrested on 28 February 1992 and taken to the Directorate of Enforcement of the Ministry of Finance at Loknayak Bhavan, near Khan Market. The day after, his body was found in the Lok Nayak Bhavan complex. The family claims that he was tortured and forced to jump out of a window;

(j) Jairam Singh was arrested by police from the Patel Nagar police station on 18 August 1991 and died within hours. The post-mortem report listed 17 external injuries caused by a blunt object;

(k) Kuttappam of Neyyattinkara, Trivandrum, was arrested on 3 July 1991 by Parassala police, Trivandrum, and died the day after. The post-mortem report revealed rupture the of spleen, allegedly caused by torture;

(l) Ram Singh, sarpanch of Arra Koder village, died in early April 1992 allegedly as a result of injuries sustained under police torture at the Bohandiguda police station.

(m) Muthusamy from Oddanchathram, Dindigul district, was arrested at the beginning of 1992 by Oddanchathram police in connection with a theft. Subsequently, his mother, sister and father were also arrested. According to the reports they were all beaten and, as a result, Muthusamy died;

(n) Dushyant Tiyagi was arrested by eight police officers from Siani Gate police station on or about 13 April 1992 and died two days later in the Government Hospital. It was alleged that he had been burnt to death while in police custody;

(o) Kuber Lal was arrested on 25 July 1991 by Sandila police. He died in Hardoi jail allegedly due to police torture and medical negligence by prison authorities.

265. In addition to the above-mentioned, the Special Rapporteur transmitted to the Government urgent appeals on behalf of the following persons regarding whom fears were expressed that they might be subjected to torture while in detention. The date on which they were sent is mentioned in brackets at the end of the corresponding summary.

266. Tejinder Singh was reportedly arrested at his residence by police from the criminal investigation agency staff, Amritsar, at 4.00 a.m. on 11 November 1991. On 14 November 1991, Tejinder Singh was produced in court where he made a statement claiming that he had been tortured. A newspaper report on 16 November 1991 allegedly featured a police claim that Tejinder Singh had escaped from custody. However, the family claimed that this was false and that Tejinder Singh was being held in unacknowledged detention and was in danger of being tortured further (20 December 1991).

267. Iqbal Singh, a resident of Fatehpur in Amritsar district, was reportedly detained on 12 November 1991 by police and personnel from the Central Reserve Police Force (CRPF) from near the railway station in Amritsar. Iqbal Singh was initially taken to a CRPF camp near Sadar police station, Amritsar district. Subsequently he was believed to have been transferred to the Gharinda police station (20 December 1991).

268. Charan Singh, a resident of Muchhan village in Amritsar district, was reportedly detained from his residence by the assistant superintendent of police, Majitha police district, and members of the Ropar police on 7 November 1991. On a number of occasions, relatives sent telegrams, complaints and affidavits on behalf of Charan Singh to senior police, judicial and government personnel in Punjab; however, he was not produced in court (20 December 1991).

269. Amarjit Singh, a resident of Begowal, Kapurthala district, who worked as a teacher at the primary school in Miani, was reportedly detained by Hoshiarpur police on 24 October 1991. For 10 days he was detained at a CRPF camp at Hoshiarpur and later he was transferred to Jalandhar (20 December 1991).

270. Justice Ajit Singh Bains, chairman of the Punjab Human Rights Organisation, was arrested on 3 April 1992 from the Chandigarh golf club by members of the police. According to the information received, Justice Bains suffered from a heart affliction and was being denied all medication as well as visits from his family (14 April 1992).

Indonesia

Information transmitted to the Government and replies received thereon

271. By letter dated 21 August 1992 the Special Rapporteur communicated to the Government information he had received on the practice of torture in the country as well as on a number of individual cases. The Government replied to this letter on 10 December 1992. According to the reports, in various parts of the country torture is inflicted upon detainees to obtain political and other information or to intimidate suspected political activists, their colleagues and their relatives. Workers who have taken part in demonstrations

have also been interrogated under torture and forced to sign letters of resignation. Those responsible are said to be military officials and members of the paramilitary police force "Brimob" (Mobile Brigade). Forms of torture and ill-treatment include: electrocution; slashing with razor blades and knives, including inside the mouth; beating on the head, shins and torso with fists, batons, iron bars, bottles, rocks and lengths of electric cable; sexual molestation and rape; kicking with heavy military boots; burning with lighted cigarettes; threats and deliberate wounding with firearms; immersion for long periods in fetid water, isolation and sleep deprivation.

272. The following individual cases were reported:

(a) Mohamad Jafar, arrested in August 1990 in Aceh on suspicion of helping members of the Aceh Merdeka movement. According to witnesses he was beaten with wooden sticks and an electric cable before being taken to an unknown destination;

(b) Dr. Mahdi Yusuf, Dr. Amiruddin, Dr. Abdullah Ibrahim, Dr. Idris Ishaq and Dr. Ibrahim Hasar were severely tortured at the beginning of 1991 while held at the Banda Aceh prison. As a result two of them were paralysed;

(c) Syaifulah was detained between September 1990 and February 1991 at Brimob headquarters in Medan. Witnesses reported that he had been kicked and beaten, stripped naked and had his genitals squeezed with metal pliers;

(d) Abbas was reportedly beaten with a thick electric cable while being questioned at Brimob headquarters in Medan in mid-1991. He was also forced to squat with a length of wood placed behind his knees and a second prisoner sitting on his shoulders, as a result of which one of his legs broke;

(e) Dr. Adnan Beuransyah, a journalist with the paper Serambi Indonesia, was arrested in August 1990 on the accusation of having links with Aceh Merdeka. During his interrogation by regional military officials he was given electric shocks on his feet, genitals and ears; his hair and nose were burned with cigarette butts and he was severely beaten and kicked;

(f) Marwan was arrested on 3 October 1990 in Aceh by members of the military and subjected to torture, as a result of which his nose was broken;

(g) Wardoyo, Latif and Samsudin, workers at the Evershinetex factory in Bogor, were severely tortured at military barracks (Korem 061) on 26 June 1991. They were allegedly accused of having taken part in a demonstration and forced to sign letters of resignation.

273. With respect to cases (a)-(d) above, the Government reported that these persons were never detained nor were they tortured. With respect to cases (e) and (f) the Government informed that these persons were involved in the activities of the Security Disturbance Movement (GPK). After being brought to trial, they were sentenced respectively to nine and six years in Lhok Nga prison (Banda Aceh). During their detention there was no indication of

torture whatsoever. With regard to case (g), the Government reported that, following a strike, the company refused to continue to employ the persons concerned on the grounds of their involvement in the destruction of the company's property and in their attempts to incite racial unrest by writing anti-Chinese graffiti. The dismissal was approved by the Ministry of Manpower.

Information transmitted to the Government with regard to cases of torture which allegedly occurred in East Timor

274. In the above-mentioned letter of 21 August 1992 the Special Rapporteur also transmitted to the Government information according to which a number of persons were arrested in East Timor after the incidents of 12 November 1991 and subjected to severe torture. The following names were provided:

(a) Abel Madeira, from Gleno (Ermera); Jose Reis, arrested at Gleno, Ermera; Joao Lequi Mau, from Gleno, Ermera; Florindo Santos, civil servant from Gleno, Ermera; Armando Exposto, civil servant from Gleno, Ermera; Jonny F. Gonçalves, arrested at Ermera and taken to the police station; Lebi Mau, arrested in Ermera and taken to the police station; Julio Soares, from Gleno, Ermera; Julio Carvalho, from Ermera; Serafim Macedo, student, arrested at Pite (Dili) and taken to the police station Dionisio Reis Gusmao, student from Pite (Dili) Pite; Paulo Sousa Guterres, student from Venilale, arrested at Pite (Dili); Manuel Barreto, arrested at Fatubolu district (Dili); Raimundo Silva Monteiro, student from Viqueque, arrested at Colmera district (Dili); Leonardo Costa, student from Viqueque, arrested in Colmera district (Dili); Acacio Bernardino, student, from Los Palos; Eduardo Mamanuk, from Manatuto; Antonio Ximenes Guterres, student from Venilale (Baucau). With respect to these cases, the Government reported that these persons had never been detained nor tortured;

(b) Amau Madeira, from Gleno (Ermera); Joao Madeira, from Gleno, Ermera; Juvenal H. Madeira, from Gleno, Ermera; Adelino Soares, civil servant from Ermera; Fernando Deus, civil servant from Ermera; Carlos Deus, civil servant from Gleno, Ermera; Jose Pinto Baptista, arrested at Ermera and taken to the polres. With respect to these cases, the Government reported that these persons were detained for questioning on 15 November 1991 and released on the following day. There was no indication of torture whatsoever;

(c) Alcino Freitas Vital, from Ossoluga (Baucau); Agostinho Freitas, from Ossoluga (Baucau); Custodio Freitas, from Ossoluga, Baucau. With respect to these cases, the Government reported that these persons were questioned, given counselling from 30 November 1991 and released on 3 December 1991. There was no indication of torture whatsoever;

(d) Filomeno Gomes, arrested in Dili Caicoli; Matias Gouveia Duarte, nurse, arrested at Taibesse district (Dili) and taken to the police station. With respect to these persons, the Government reported that they were never detained but merely given counselling. After that, they participated in a community orientation programme;

(e) Arcanjo Anjos Paixao, civil servant from Ermera. With respect to him, the Government reported that he was detained for questioning concerning his activities to collect funds on the instructions of the Bishop of Ermera. He was released on 19 December 1991. There was no indication of torture whatsoever;

(f) Eliseu Soares, teacher from Ermera. The Government reported that he was released after being given counselling on 25 November 1991;

(g) José Maria Pompeia Saldanha Ribeiro, a student at the University of Denpasar, arrested on 24 November 1991 by the Indonesian Intelligence and taken to the police headquarters, first in Denpasar and then in Jakarta. The Government reported that this person is living in Denpasar and was never detained.

275. In addition to the above-mentioned, the Special Rapporteur sent two urgent appeals on behalf of the following persons, with respect to whom fears had been expressed that they might be subjected to torture after their detention:

(a) Xanana Gusmao, leader of Fretilin (Frente Revolucionária de Timor Leste Independente), was arrested on 20 November 1992 at 6.00 a.m. near the military hospital in Dili (23 November 1992). On 8 December 1992 the Government replied that Mr. Gusmao was in police custody in Jakarta and being questioned by the police and officials of the Attorney-General's office, in preparation for his court trial. His being transferred from Dili was solely for his own safety; his trial would be held in the locus delicti. While being questioned and awaiting trial, Mr. Gusmao had been treated in a manner consistent with humanitarian considerations and international standards, and his trial would be held strictly in accordance with Indonesian law. The trial would be held in an open, public court and the defendant would be awarded full legal assistance. In the meantime, the Minister of Defence had also given instructions to the military authorities concerned to respect Mr. Gusmao's physical and mental integrity. The Foreign Minister personally assured the Special Rapporteur that Mr. Gusmao was in good health and that he was not being ill-treated in any way;

(b) Abilio Baptista, Afonso Maria, Avalino Baptista, Fernando Conceicao, Francisco Goncalves, Henrique Guterres, Ildefonso Soares, Jorge Cortinnal, Mario Miranda, Pascal Soares, Rui Miranda, Vitor Viegas, Rufina Conceicao Araujo, Augusto Pereira, Alianca de Araujo, Ligia de Araujo, Jorge Manuel Araujo Serrano, Regina Conceicao Araujo Serrano, Francisco Almedia Araujo, Armandina Gusmao, Gilman Exposto, Olandina Caceiro Alves and Oscar Lima. All these persons were arrested during the month of November 1992 by military and police forces and kept incommunicado detention (3 December 1992).

Iran (Islamic Republic of)

Information transmitted to the Government

276. By letter dated 27 October 1992 the Special Rapporteur communicated to the Government that he had received information according to which prisoners held for political reasons are usually tortured in the period immediately following their arrest, but may also be subjected to torture at any time during their imprisonment, both before and after trial. Torture and other forms of physical or psychological ill-treatment are allegedly applied not only to obtain information, but also to extract statements which are sometimes recorded on film.

277. Common methods of physical torture include suspension for long periods in contorted positions, burns from cigarettes and severe and repeated beating with cables or other instruments on the back and the soles of the feet. Sometimes, a blanket or cloth is stuffed into the victims' mouths to stop them screaming, making it hard to breathe properly. Usually the victims have been blindfolded, and strapped to a kind of bedstead or held down by guards sitting on their backs. Other arbitrary punishments reportedly include being kicked or punched, made to stand without moving for hours at a time, cancellation of family visits or reducing food.

278. It was also reported that the Government had failed to introduce minimum safeguards to prevent torture, including allowing prisoners regular access to relatives, lawyers and doctors, ensuring that complaints are properly investigated and bringing perpetrators to justice. The following individual cases were transmitted:

(a) Hooshang Sabetizadeh was arrested after entering the country in July 1990. When his relatives visited him in Evin prison in March 1991 he bore marks of torture. His face, particularly around his eyes and lips, was bruised and swollen, two of his front teeth were broken and he could hardly speak. In October 1991 his relatives visited him in hospital but his physical condition was very poor, his feet were severely infected due to flogging by cable and he was unable to walk. He died two weeks after his release from prison, in March 1992;

(b) Khalil Akhlaghi was reportedly arrested in November 1989 in the city of Shiraz by members of the security forces. Before being tried and sentenced to 15 years' imprisonment, he was held for 14 months in solitary confinement in the Shiraz prison, during which time he was subjected to torture such as severe beatings all over his body and in particular on the soles of his feet. As a result of intense slapping he lost all hearing in his right ear;

(c) Ali Gaffari Hosseini was reportedly arrested at the Teheran airport in August 1990 and taken to an unknown place for interrogation where he was subjected to repeated beating, particularly in the region of his kidneys and on the soles of the feet. He also was suspended by the wrists and some of his toenails were forcibly removed.

279. In addition to the above-mentioned, the Special Rapporteur made urgent appeal on behalf of the persons involved in the incidents mentioned below. The date in which they were sent appears in brackets at the end of the corresponding summary.

280. Hundreds of persons were reportedly arrested following demonstrations and riots which took place beginning in mid-April 1992 in Mashhad, Arak, Chahar-Mahal, Hamedan, Khorramabad, Shiraz, Shushtar and Teheran. In the case of Mashhad, it was reported that a group of approximately 300 people were arrested on 30 May 1992 during a demonstration reportedly sparked off by attempts by the municipal authorities to destroy illegally constructed buildings and forcibly evict their inhabitants, as well as discontent with the social and economic situation. Fears were expressed that these persons might be subjected to torture or ill-treatment. (10 June 1992).

281. Gholam Ghahremani, an Iranian refugee in Dubai, was reportedly abducted on 3 August 1992 and taken to the Teheran Evin prison. Fears were expressed that he might be subjected to torture. (23 October 1992).

282. Abdollah Bagheri, a former member of the Kurdish opposition group Komala, was arrested at the beginning of November 1992 outside Mariwan, close to the Iraq border. Mr. Bagheri was reportedly being held in incommunicado detention and fears were expressed that he might be subjected to torture or ill-treatment. (11 December 1992).

Iraq

283. In an urgent appeal transmitted on 3 December 1992 the Special Rapporteur communicated to the Government that he had received information according to which since April 1992, when the military authorities issued orders to the local population of the marshes of southern Iraq to evacuate the area, there has been a policy of deliberately targeting non-combatant civilians. Although the air exclusion zone imposed since August 1992 put an end to the aerial attacks, government forces have reportedly stepped up ground attacks accompanied, inter alia, by widespread arbitrary arrests and torture, like those which took place in the village of al-Salem near al-Mudaina (Basra province) in September. In the second week of October, widespread arrests were reportedly carried out by government forces in the context of the officially named "punitive campaign" (al-Hamla al-Ta'dibiyya). Several thousand people were said to have been arrested, in particular in Misan province; many of them, reportedly unarmed civilians, were arrested from their homes or in the streets at random by the security forces. The detainees were reportedly held at the 4th Army Corps headquarters in the city of al-Amara, although a small number of them were later transferred to Baghdad. Fears were expressed that they might be subjected to torture or ill-treatment.

Israel

Information transmitted to the Government and replies received thereon

284. By letter dated 21 August 1992 the Special Rapporteur transmitted to the Government of Israel a summary of the main allegations received with regard to the practice of torture in the country as well as a number of individual cases. In addition to this, the Special Rapporteur made urgent appeals on behalf of persons who, according to the information received, were at risk of being tortured.

(a) Information transmitted to the Government with regard to the practice of torture in general.

285. According to the information received, the Israeli authorities in the Occupied Territories systematically use interrogation practices which amount to torture or ill-treatment. Methods include beatings, forced postures (shabeh), sensory disorientation (primarily through hooding, sleep and food deprivation, and isolation), and the use of sensory stress (through chilling and confinement in small cells, often called "coffin-cells" or khazayen by detainees). It was also reported that under the Israeli military justice system in the Occupied Territories, detainees' access to judges is routinely withheld for 18 days, and access to lawyers and family for much longer periods.

286. In theory, protection against the use of confessions obtained by duress exists in the military courts of the Occupied Territories. If a defendant maintains that a confession was so obtained, the defendant's lawyer can challenge the confession in a so-called "trial within a trial" or "mini-trial". In this proceeding, generally held in camera, the prosecutor is meant to prove the voluntary nature of the confession. The prosecutor calls witnesses involved in obtaining the confession and the defendant in turn gives evidence of the alleged abuses used to coerce a confession. If the prosecution fails to prove that the confession was made voluntarily, it becomes inadmissible and must be disregarded by the court in the subsequent full trial.

287. This safeguard, however, reportedly fails to operate effectively in practice. Lawyers maintain that in a "trial within a trial", judges often automatically accept the testimony of witnesses of the prosecution and reject that of defendants. Defendants who have often been held in prolonged incommunicado detention have no witnesses to call on their behalf. Other factors deter lawyers from seeking "trials within trials". The invocation of such a proceeding necessarily delays the hearing of a case. For a defendant charged with a relatively minor offence, therefore, the choice of a "trial within a trial" may mean that he or she will be kept in detention awaiting such a procedure for a longer period than might be expected to be served as a sentence were a guilty plea entered from the start. In addition judges, as well as prosecutors, reportedly often remind defendants and their lawyers that pleading guilty and saving the court the time and effort of a "trial within a trial" would be considered a mitigating factor of sentencing.

(b) Information transmitted to the Government regarding individual cases

288. Sharif Natsheh and his brother Ashraf, from Hebron, were reportedly arrested on 21 April 1991 and taken to the military headquarters. They were severely kicked and beaten in several parts of the body, including the soles of their feet, and given electric shocks several times.

289. Ramzi Da'na, from Hebron, was reportedly arrested on 16 September 1991 and taken to the police centre at the headquarters. He was severely beaten, specially on his thighs, face, kidneys and the soles of his feet and given electric shocks.

290. Amneh'Abd al-Jabbar Rimawi, Deputy Chair of the General Federation of Trade Unions in the West Bank and head of the Labour Studies Centre in Ramallah, was reportedly arrested and taken for interrogation on 12 November 1991 after reporting to the Moscobiyyah Detention Centre in Jerusalem where she had been summoned. She was later transferred to the Hebron (al-Khalil) prison. In both places she is said to have been subjected to torture.

291. Suad Ganeim, from Faradis, was arrested on 5 August 1991 and taken to the Jalame detention centre, where she was interrogated for 24 hours without interruption. She was obliged to stand for several hours while hooded and handcuffed.

292. Nariman Shamasna, aged 17, from Katana, Ramallah region, was arrested on 26 August 1991 and taken to the detention centre of the Russian Compound where she was severely beaten.

293. Fatme Abu-Khdeir, from Shonafat, Jerusalem, was arrested and severely beaten before being transferred to the Russian Compound. She was obliged to stand for hours while hooded and handcuffed.

294. Ghazat Hassan Abu Khadir and Saladin Abu Khadir were arrested on 1 July 1991 by agents of the Shin Beth (General Security Services) and taken to the Ramallah prison where they were severely beaten. Ghazat Hassan Abu Khadir was deprived of sleep for ten days.

295. The Special Rapporteur also received information on the arrest and subsequent torture of several Palestinians carried out in the West Bank on 22 January 1992 by the Israeli security forces who accused them of membership in the Popular Front for the Liberation of Palestine. The following names, in particular, were reported:

(a) Mustafa 'Akkawi. He was taken to Hebron (al-Khalil) prison, where he was held for several days in a very cold corridor, hooded and handcuffed to a chair and deprived of sleep while he was being interrogated. On the night of 3/4 February 1992, he had a heart attack, but a medic did not identify any illness and did not refer him to a doctor. He was then placed in one of the narrow cells commonly called "refrigerators", but he collapsed shortly afterwards and died;

(b) Ribhi Ramez Salim Haddad, from Nablus, West Bank. After his arrest on 22 January he was held in Ramallah prison, Petah Tikva detention centre, Hebron (al-Khalil) prison and al-Dhahiriyyah detention centre. At a court hearing in al-Dhahiriyyah detention centre on 6 February 1992, his detention was extended by 30 days, after which he was taken back to Petah Tikva detention centre. He was visited there by a lawyer on 10 February, to whom he stated that he had been forced to sit on a very low chair with his hand handcuffed behind his back in freezing temperatures for about five days;

(c) Ghadir 'Awad, a mathematics teacher from Ramallah. She was reportedly arrested when soldiers came to arrest a neighbour who was not there. One person was reportedly taken from each apartment in the building. She was taken to the Moscobiyyah detention centre where she was interrogated for two days. During her detention she was hooded with her hands shackled behind her back to an iron pole, deprived of sleep and placed in solitary confinement for several days. She also suffered sexual harassment;

(d) Ya'qub Yusuf Musa Fathu, from al-Sawaneh in Jerusalem. He was taken for interrogation in the GSS (General Security Service) wing of the Moscobiyyah detention centre in Jerusalem, where he was apparently shackled in painful positions and deprived of sleep.

296. The Special Rapporteur also received a report on the situation of prisoners in the Khiam detention centre, situated in south Lebanon. Khiam was apparently set up as a permanent detention centre in early 1985 by the South Lebanon Army (SLA) with Israel's assistance and supervision. Many detainees have reportedly been subjected to torture or ill-treatment during interrogation, including beatings with electric cables, dousing with water, electric shocks and deprivation of sleep, food and hygiene.

297. In addition to the above-mentioned, the Special Rapporteur transmitted to the Government urgent appeals concerning the following persons. The dates on which they were sent are mentioned in brackets at the end of each summary.

298. Sheikh Ahmad Yassin an elderly man held in a prison in the Gaza Strip, was reported to be in an extremely poor state of health due, in part, to beating and ill-treatment while in detention. He was said to be paraplegic and blind in one eye, and to be suffering from a skin disease. Fears were expressed that unless he was given the medical treatment required by his condition, his health might further deteriorate and his life might be in danger. (29 July 1992)

299. With respect to this case the Government reported on 1 September and 19 November 1992 that Sheikh Yassin was serving a life sentence at Ashmora prison and not in the Gaza Strip. The conditions of his imprisonment were fair and humane, as were the conditions of all prisoners held by the Prison Authority. Prison conditions were in conformity with the law and with international standards. The state of the Sheikh's health was stable and not deteriorating, and he was under medical supervision and treatment by a doctor and by the medical staff of the prison. Furthermore, two prisoners had been assigned to his cell whose task was to assist him with his personal requirements. The allegation that his physical condition was a result of beatings and ill-treatment during his detention had no basis.

300. I'taf Daoud Hussein I'elyan had been kept in an isolation cell at the Tel Mund central prison for 3½ years. She had also been denied the surgical operation that she needed since her nose was broken under torture five years ago. It was also reported that to protest her situation she had initiated a hunger strike and, as a consequence, her health had further deteriorated. (16 September 1992).

301. Ahmad Suleiman Musa Qatamesh was arrested on 1 September 1992 and said to be held in Ramallah prison. According to his lawyer, who was allowed to see him on 23 September 1992, Mr. Qatamesh was suffering from severe stomach and head pains, difficulties in breathing and repeated loss of consciousness caused by torture and ill-treatment including extreme sleep deprivation, position abuse, and hooding and suffocation during interrogation. It was also reported that he had been denied medical care. (30 September 1992)

Kenya

Information transmitted to the Government

302. By letter dated 12 November 1992 the Special Rapporteur communicated to the Government that he had received information according to which Ms. Wangari Maathai, Chairperson of the environmental group Green Belt Movement, and three other women hunger-strikers campaigning for the release of political prisoners, were severely beaten by riot police in Nairobi's Uhuru (Independence) Park on 3 March 1992. They were reportedly clubbed unconscious and had to be taken to hospital. Other women hunger-strikers were injured at the same time by clubs or were affected by tear-gas thrown into a tent they were using.

303. In addition, the Special Rapporteur sent an urgent appeal to the Government on 22 July 1992 concerning Mr. Rumba Kinuthia, a lawyer said to be awaiting trial on treason charges and held in custody at Kenyatta National Hospital in Nairobi. It was alleged that Mr. Kinuthia was admitted to the hospital suffering from high blood pressure, severe headaches, nosebleed and depression and coughing blood originating from the torture he suffered shortly after his arrest in 1990. Despite his condition, it was alleged that Mr. Kinuthia was chained to his bed 23 hours a day; that his doctor was denied access to him on 8 July 1992, in contravention of a court order of 15 April 1992; that his family had also been denied access to him; and that hospital staff attending him had been harassed by the armed prison warders guarding him. Mr. Kinuthia was one of several persons on behalf of whom an urgent appeal was made on 23 October 1990. In its reply the Government affirmed that the charges against those persons, including Mr. Kinuthia, were criminal and not political, and added that those who saw these persons in court noticed no signs of torture or ill-treatment (E/CN.4/1991/17, paras. 101-102).

Kuwait

Information transmitted to the Government

304. On 2 March 1992 the Special Rapporteur sent an urgent appeal to the Government of Kuwait concerning Iman Thendon Abdul-Latif, a laboratory research assistant at the College of Medicine, University of Kuwait, who was arrested on 12 June 1992. According to the information received, Miss Abdul-Latif suffered from a kidney affliction and was arrested only a few days after she had undergone an appendix operation. In spite of her poor health she was reportedly not being provided with the necessary medical care and her family was not allowed to visit her.

Lesotho

Information transmitted to the Government and replies received thereon

305. By letter dated 21 August 1992 the Special Rapporteur communicated to the Government of Lesotho that he had received information on the following cases of torture, to some of which the Government replied on 2 November 1992:

(a) Mofokeng Makakole was arrested on 27 September 1991 by South African police at Welkom in the Orange Free State and transferred into the custody of the Royal Lesotho Mounted Police. He died the day after, apparently as a result of torture. The post-mortem examination requested by the family concluded that he had been beaten with objects such as sticks or sjamboks (hide whips) and that he had probably also been subjected to blows from a blunt object or kicked. The likely cause of death was given as "pressure to the neck and asphyxia";

(b) John Ralengana and Khabele Khaebana, prisoners at Maseru prison, were severely beaten with sticks and sjamboks on 31 August 1991. John Ralengana also suffered birdshot wounds (birdshot consists of a large quantity of small lead pellets fired from a shotgun). Afterwards they were stripped naked and placed in solitary confinement in cells deliberately flooded with water;

(c) Dr. Michael Sefali was held in detention between 14 and 22 March 1990. He was subjected to interrogation for whole nights during which he was stripped naked, with his hands cuffed behind his back, covered with blankets from the head downwards and made to stand with bare feet on a cement floor covered with crushed stones;

(d) Captain Samuel Mokete Tumo, an officer in the Royal Lesotho Defence Force, was arrested on 20 February 1990 and kept in solitary confinement at Maseru maximum prison until 7 March 1990. In the course of interrogation he was stripped naked, covered with blankets, handcuffed and told to kneel on a cement floor covered with crushed stones;

(e) Lakia Pholo, an official of the Lesotho Bank, was arrested in July 1989. On arrival at police headquarters a blanket was thrown over his head and fastened with a rope. A motor vehicle tyre was thrown around his neck. He was handcuffed and stripped of his trousers and underpants. When he

denied any knowledge of the criminal offence the police put crushed stones into his shoes and made him jump up and down in time with the ringing of a bell. He was beaten on the hands and thighs and pinched on the thighs with something which he identified as a pair of pliers.

306. With respect to the case of John Ralengana, the Government reported that a riot took place in the prison after foodstuffs were discovered in the possession of John Ralengana. It was subsequent to the quelling of the riot that allegations of torture were made. However, John Ralengana did get medical treatment at Queen Elizabeth Hospital and subsequently received the visit of a doctor sent by his family on several occasions. A medical report revealed that he sustained gunshot wounds on both thighs. A report by prison authorities neither identified the persons responsible for the infliction of the wounds nor state any form of further investigation or legal action taken. As for the case of Khabele Khaebana the Government reported that he had been examined in the presence of his parents by a doctor who found his state of health satisfactory and did not recommend any further treatment. An official inspection of the cells was carried out. It emerged that there was no possibility of their being water-logged, due to the way in which they were constructed.

307. In addition to the above cases it was reported that the authorities had failed to take effective action against those responsible for these kinds of abuses. In some cases there had been no action even after the High Court had concluded that torture or other abuses had taken place.

Malaysia

Information transmitted to the Government

308. On 21 August 1992 the Special Rapporteur sent an urgent appeal to the Government on behalf of a group of 43 Acehnese asylum-seekers who were occupying the premises of the United Nations High Commissioner for Refugees (UNHCR) in Kuala Lumpur because they had been threatened with being forcibly returned to Indonesia. Fears were expressed that, if this happened, they would be at risk of being detained upon arrival to their country and tortured. The same concern was expressed with regard to another group of about 400 persons who had reportedly been detained in Malaysia for more than a year and were also at risk of being expelled to Indonesia.

Mauritania

Information transmitted to the Government

309. The Special Rapporteur addressed an urgent appeal to the Government on 28 September 1992 in connection with incidents reported to have taken place in the village of Sory-Male, M'Bagne department. The village was surrounded by security forces on 23 August 1992 after the murder of an Arab trader and all the men of the village were taken to the school for questioning. Mr. Dia Hamath Atoumane, age 70, was reported to have died the next day apparently because of maltreatment during interrogation. At least four men, Sarr Alassane N'Dama, Niass Yaya, M'Bodj Hamidou and Diop Ismaila Demba has been taken to Aleg and formally charged with murder. It was reported that they had been tortured during interrogation and concern had been voiced that they might be subjected to further maltreatment.

Mexico

Information transmitted to the Government and replies received thereon

310. In a letter of 21 August 1992 the Special Rapporteur forwarded a summary of complaints received regarding the practice of torture in Mexico and various individual cases. The Government commented on these cases in a reply dated 16 November 1992.

Information transmitted to the Government with regard to the practice of torture in general

311. According to the information received the criminal legislation in force was amended in February 1991 to prevent abuses of human rights and reduce the practice of torture. Under the new provisions the courts may not accept confessions as valid unless they were made before a judge or member of the public prosecutor's department and in the presence of the accused's lawyer or other person enjoying his confidence.

312. Notwithstanding this reform the practice of torture seems to be undiminished. There are undisguised administrative links between the public prosecutor's office and the police and persons in custody are often brought before the public prosecutor's office before a judge assumes responsibility for the case. These links strengthen the possibility that even in the presence of his lawyer a person in custody may make a false confession out of fear that he may otherwise be tortured when he is again placed in the hands of the police.

313. The Special Rapporteur has also been informed that the National Human Rights Commission's recommendations in cases where members of the governmental forces are found to have acted improperly have not generally been complied with or have not been fully applied.

314. The Special Rapporteur has received a report which states that of 180 prisoners questioned in north remand prison and the Santa Marta Acatitla penitentiary 163 said they had been tortured by police after being taken into custody. Women are also subjected to torture, which in their case is characterized by sexual harassment, rape and threats of harm to children.

315. Torture seems to be practised throughout the country and by police of all branches. Various methods are used. Electric shocks are applied to parts of the body, the favoured targets being the genitals, nipples, mouth and eyes. The prisoner's head is covered with a plastic bag which is tightened until he is on the brink of suffocation. Alternatively the victim's head may be immersed in a lavatory with human excrement in it, a septic tank or a water tank. Mineral water, in some cases with chili added, is squirted into the nostrils. The victim may be grabbed by the hair and yanked this way and that. Sexual vexation may be taken to the point of rape or the prisoner may be frightened by mock executions, threats etc. It is reported that doctors are often under pressure by officials to produce false medical reports.

Information transmitted to the Government regarding individual cases

316. Agustín Diego García, Odilon García Serafín, Abraham Miguel Prudencio, Efrein Miguel Prudencio, Alberto Martínez Hernández and Daniel Muez García, all members of the Indian community of La Trinidad Yaveo, Santiago Yaveo, Choapán, Oaxaca were arrested by the state police and judicial police on 25 January 1992. They were taken to the María Lombardo police barracks and badly beaten. Alberto Martínez's head was banged against the wall and he and Daniel Muez had their hands burnt with hot wax.

317. In this connection the Government states that investigation by the National Human Rights Commission did not produce evidence of the torture described. In statements in court prisoners stated their hands had been injured by a stinging liquid. This seems to have been the effect of a test used by the state prosecutor's office to detect traces of gunpowder on the hands.

318. Rubén Díaz Díaz, Italo Ricardo Díaz Díaz, Rey Venegas Castro and Delfino de Jesús Aguilar Hernández were arrested by the judicial police in the Federal District on 7 June 1991. They were taken first to the Alvaro Obregón office of the traffic and safety agency and later to the offices of the Federal District public prosecutor's department. They were severely beaten over a period of days, given electric shocks and had Tehuacan water squirted in their nostrils to make them confess to various crimes and membership in the clandestine workers' revolutionary party union of the people. Threats were made to kill them and torture their families.

319. The Government stated that the National Human Rights Commission had been unable to complete the file on the case because the complainants' representatives had not supplied all the documentation required. Support was however being given to the representatives in the criminal proceedings.

320. David Cabañas Barrientos, Ana María Vera Smith and Blanca Lirio Muro Gampoa were arrested by the Federal District judicial police on 12 June 1990. For a period of seven days they were subjected to repeated death threats, severely beaten, brought to the brink of suffocation by plastic bags placed over their heads and immersion of the head in water, given electric shocks and burnt with cigarettes. As a result of the torture during interrogation, the effects of which persisted for years, Mr. Cabañas Barrientos signed a statement in which he accused the ex-rector of Benito Juárez and Oaxaca autonomous university and leader of the people's national democratic front, Dr. Felipe Martinez Soriano, of murder. In consequence Dr. Martinez Soriano was sentenced to nine years in prison.

321. The Government stated that as a result of the National Human Rights Commission's efforts the confinement and segregation of the persons mentioned in north remand prison had been suspended and they had been helped to obtain medical assistance. The Commission had been unable to complete the file because the complainants' representatives had not brought forward the required documentation. They were however being given support in the criminal proceedings.

322. Francisco Quijano García was arrested in Mexico City by the judicial police in connection with a criminal investigation on 21 June 1990. His body was found a year later with unmistakable signs of severe torture.

323. The Government stated the National Human Rights Commission had made recommendations to the public prosecutor's department calling for the initiation of criminal proceedings. The Commission considered that the action so far taken by the Public Prosecutor Department had been incomplete and unsatisfactory.

324. Raúl Vázquez Hernández, age 15, was arrested in Villahermosa, Tabasco, on 8 December and taken to the police station. While he was in solitary confinement he was beaten on various parts of the body and suffered attempted strangulation. Because of his injuries he was committed to the Juan Graham public health hospital the following day.

325. The Government stated that the Tabasco State Public Prosecutor's Department had informed the National Human Rights Commission that the prisoner had not been maltreated by the personnel responsible for his detention and that he had tried to hang himself. Expert examination by the Commission established that the marks on the youth's body had been the work of third parties. The investigation continues.

326. Santiago Jiménez Sánchez was arrested by the State police in Villahermosa, Tabasco on 8 January 1992. He was taken to the State Public Prosecutor's Department where he was beaten, forced to swallow three coins and had a jet of water squirted into his mouth. He was told he would be shot with a pistol. A few days later he had to be admitted to the Juan Graham hospital.

327. The Government states that the case is being investigated by the National Human Rights Commission.

328. Jesús Arturo Narváez Herrera was arrested by public security police in Tacotalpa, Tabasco, on 26 January 1992. He was held for several hours during which he was kicked and beaten with rifle butts.

329. The Government stated that the incident had not been the subject of a complaint to the competent authorities and accordingly an investigation could not be undertaken.

330. Mexico's periodic report was examined by the Committee against Torture at its ninth session (9-20 November 1992). The report is reproduced in document CAT/C/17/Add.3.

331. The Special Rapporteur was also informed that about 100 persons, most of them members of the Ch'ol and Tzeltal Indian communities, were arrested while taking part in a peaceful demonstration at Palenque, Chiapas, in late December 1991. Those arrested were taken to the state public prosecutor's Department at Tuxtla Gutiérrez. All were beaten and threatened with death. For a number of days they received neither food nor medical treatment. The following were the names of some of the detainees: Antonio Ramirez Jiménez,

Efrain Gutiérrez Gómez, Rámon Parcero Martínez, Lorenzo Gómez Jimenez, Sebastián González Cruz, Francisco González Gutiérrez, Tolentino Gómez Cruz, Víctor Mendéz González Samuel Benito Pérez and Manuel Martínez Peréz.

332. The Government stated that the Indians detained in connection with the incidents mentioned had been released, including nine who had initially been remanded for trial.

Morocco

Information transmitted to the Government

333. In a letter of 12 November 1992 the Special Rapporteur informed the Government that he had received reports that torture or threats of torture were routinely used in police stations to intimidate persons in custody or obtain confessions from them. Some persons in custody had died following torture. One was Driss Touati, age 21, who was arrested at Rachidiya on 18 April 1991 and died a few hours after being taken to the police station.

334. The Special Rapporteur had also been informed of the case of Samir Alsadi Jassin, a Spanish citizen who had been arrested by State security police at Tangiers on 31 December 1989 had taken to their headquarters. There he had been severely beaten. He was also suspended by means of a metal rod between his arms and legs and the soles of his feet had been beaten. He was released the same day.

Myanmar

Information transmitted to the Government and replies received thereon

335. By letter dated 21 August 1992 the Special Rapporteur transmitted to the Government of Myanmar a summary of the main allegations received with regard to the practice of torture in the country, as well as a number of individual cases. The Government replied to this letter on 26 October 1992. In addition, the Special Rapporteur made urgent appeals on behalf of persons who, according to the information received, were at risk of being tortured. The Government also replied with respect to some of these cases.

(a) Information with regard to the practice of torture in general

336. According to the reports received, the Myanmar armed forces (tatmadaw) and the paramilitary security force Lone Htein continue to seize arbitrarily and ill-treat members of ethnic and religious minorities in rural areas of the country. The victims include people who were detained because soldiers suspected they might be sympathizers or supporters of ethnic minority guerrilla groups that have been fighting the tatmadaw for many years. They also include people seized by the tatmadaw and compelled to perform porterage carying food, ammunition and other supplies - or mine-clearing work. Among those who allegedly have been ill-treated are members of the Karen, Mon and "Indian" ethnic minorities, which groups include people belonging to the Christian, animist and Muslim religious minorities. Members of political organizations have also been arrested, held in incommunicado detention for long periods of time and subjected to torture. Forms of ill-treatment include

slashings with bayonets, beatings with sticks and kicks with heavy boots. Rape of women while their husbands are taken away for porter duties seems also to be a common practice.

337. With respect to these allegations, the Government replied, on 26 October 1992, that the Myanmar armed forces and the paramilitary forces alike were required by law to observe a strict code of conduct in performing their duties. They were not allowed to seize at will or ill-treat fellow citizens, nor is any misconduct in the performance of their duties condoned.

(b) Individual cases transmitted to the Government

338. Bo Bo Htun, a final year physics student from Yangon University, was arrested on 9 December 1991 at a student volleyball game on the Yangon Arts and Sciences University campus and reportedly subjected to torture.

339. With respect to this case, the Government reported that, according to the records, nobody bearing that name had been detained. However, one Bo Bo Han had been detained on 9 December 1991 for having dropped propaganda leaflets from the upper storey of the Recreation Centre on the main campus of the University of Yangon, inciting students to bring about disturbances. He was tried by the military tribunal of Yangon Command and sentenced to 15 years' imprisonment on 25 March 1992 under section 5 (j) of the Emergency Provisions Act.

340. Magin Sayadaw, aged 71, a buddhist monk; Zaw Myo Win and Thein Han, lawyers from Yangon, all three inmates at the Thayet prison, were said to have been subjected to severe beating during April 1992. As a result, they could no longer control their bladders.

341. With respect to Magin Sayadaw, the Government reported that he had made preparations to carry out underground activities under the guise of conducting a foreign language course. He also set up an illegal Young Monks' Front called YMF and masterminded it from behind the scenes. He was arrested on 15 January 1991 and sentenced to seven years' imprisonment on 6 May 1991 under section 5 (j) of the Emergency Provisions Act.

342. With respect to Zaw Myo Win, the Government reported that he had made contacts with an illegal organization called Da-Nya-Ta and was engaged in illegal activities to cause disturbances. He was arrested on 24 July 1989 and was sentenced to eight years' imprisonment under section 5 (j) of the Emergency Provisions Act on 20 November 1989.

343. As for Thein Han, the Government reported that he had led a mob which threatened to use violence against the Yangon Zonal Elections Commission to accept Daw Aung San Suu Kyi as a candidate for the multi-party democracy general elections on 10 and 11 January 1990. For this offence, he was sentenced to three years' imprisonment on 9 March 1990. He was released from Thayet prison on 10 July 1992.

344. The Government also reported, with regard to the above-mentioned cases, that due process of law had taken place and that there was no use of torture during detention or imprisonment.

345. In addition to the above-mentioned, the Special Rapporteur made urgent appeals on behalf of the following persons. The dates on which they were sent are mentioned in brackets at the end of the corresponding summary.

346. Fazal Ahmed, a member of the National Democratic Party for Human Rights and the representative-elect for Maungdaw Constituency (2), was allegedly detained by military personnel in late June 1992 in Arakan State. Fears were expressed that he and two other unnamed parliamentarians-elect, reportedly detained at the same time, might receive physical mistreatment. (17 July 1992)

347. On 24 August 1992 the Government reported that Faizal Ahmed was arrested for his involvement in an attempt to plant a mine at a bridge near a golf course in Buthidaung. While under arrest he was not subjected to any type of torture or illtreatment.

348. Mohamed Ilyas, a local secretary of the National League for Democracy, from Myothugyi village near Maungdaw town in Arakan State, was allegedly taken into custody by army personnel on 16 June 1992 and beaten to death while under military detention on 19 June 1992. (17 July 1992)

349. On 24 August 1992 the Government reported that action was taken against Mohamed Ilyas for his involvement in an attempt to plant a mine at a bridge near the golf course in Buthidaung. Mohamed Ilyas was 65 and had a record of undergoing treatment for severe stomach pains long before legal action was taken against him. While under arrest, he complained of severe stomach pains and was given medical treatment. However, he succumbed to the illness. The allegation that he was beaten to death while under arrest was not true.

350. Maung Nay Yein Kyaw, student, Tamwe; Maung Tun Tun, student, Thaketa; Maung Naing Naing, student, Thaketa; Maung Soe Naing, student, Kyimindine; U Tin Tun, Bohtataung; U Tun Shein, palmist, Pazundaung; U Swe Tint, Kanbe. These persons were arrested on 8 June 1992 and interrogated at Mi-7 Detention Centre for several days. When they appeared at a court hearing at Hlaing court on 3 August, some of them appeared to bear the marks of physical abuse suggesting that they had been tortured. The court hearing was postponed until 17 August and the prisoners were being kept in a barracks within Insein jail. They would be charged under section 5 (j) of the Emergency Powers Act, 1950. Fears were expressed that they might be subjected to further ill-treatment. (12 August 1992)

Pakistan

Information transmitted to the Government

351. On 27 October 1992 the Special Rapporteur communicated to the Government of Pakistan that he had received information according to which prisoners held for political reasons in police custody are frequently subjected to torture. The purpose of torture appears to be the extraction of confessions, although in some cases torture has been used to obtain information on the political activities of opposition parties. Those responsible for torture are rarely brought to justice. The most commonly reported methods of torture include the use of fetters, beating with leather straps and hanging upside down.

352. It was also reported that female prisoners held for political reasons are frequently raped in police custody. To register a case of rape the victim has to have a medical examination performed within a very short time after the incident to substantiate her charges; to be accepted in court the medical examination must be carried out by police medical staff. In these circumstances custodial rape is rarely brought to trial as the victims are invariably too fearful to approach the police for the required medical check-up.

353. The following individual cases were brought to the attention of the Government:

(a) Essa Baloch, tried by a special court for the suppression of Terrorist Activities in Karachi for allegedly participating in a bomb attack, stated in court that he had been hung upside down and whipped. His wife, Khurshid Begum, reported that when she saw her husband during a hearing on 13 November 1991 she saw that his hands were bleeding as the skin had been scraped off. After attending the court hearing of her husband, some police officers in civilian clothing forcibly took her to a police van to an unknown place, beat her up and raped her;

(b) Rajesh Mittal, an Indian diplomat, was reportedly arrested on 24 May 1992 by members of the military intelligence service, Inter Services Intelligence, in Islamabad. He was held in detention for several hours during which he was blindfolded, beaten and given electric shocks;

(c) Two journalists, Mohammad Ishaq Tunio of the English daily The Nation and Shafi Bejoro of the Sindhi daily Aftab, were reportedly detained on 28 April 1992 by police officers and armed officials of the ruling alliance at that time as they were covering a by-election in Sanghar district in Sindh province. They were reportedly kicked and beaten with rifle butts for several hours;

(d) Naseeruddin was arrested, apparently in a case of mistaken identity, by the Special Investigation Cell on 24 October 1991 in Karachi instead of Naseer Baloch, a political activist wanted in connection with the murder of a judge. After three hours in police custody his body was reportedly taken to the Civil Hospital, Karachi. Police claimed that Naseeruddin had died in hospital of a heart attack; however, the police surgeon reportedly confirmed that the death occurred as a result of torture;

(e) Mohammad Yusuf Jakhrani, a member of the opposition, was arrested in Kandhkot on suspicion of harbouring bandits and died on 12 June in a military hospital, allegedly after having been interrogated under torture by the army.

354. Reports were also received of the arrest and ill-treatment of family members and associates of political opponents. Thus, Zulfikar Baloch was arrested by police on 4 October 1991 together with his father, Essa Baloch,

from their home in Malir, Karachi. During interrogation about his father's activities, he was reportedly hung upside down and beaten. He was released on 12 October 1991 reportedly in bad physical condition. According to the testimony of his mother, his shoulders were dislocated and his body was bruised and swollen all over.

Peru

Information transmitted to the Government and replies received thereon

355. In a letter of 21 August 1992 the Special Rapporteur advised the Government of the information he had received concerning cases of torture in Peru. The Government replied in a letter of 6 November 1992. The Special Rapporteur had been informed that torture was used by the army and police as a tool in interrogations and as a punishment. Members of Indian communities were subjected to torture in military installations in the areas under a state of emergency. In towns suspected criminals, suspected members of armed opposition groups, trade unionists, students and other activists were subjected to torture. The most commonly used forms of torture were beating, immersion of the head in water to bring the prisoner to the brink of suffocation, suspension by the arms for lengthy periods and threats of killing or mutilation. In the areas where a state of emergency was in effect the military frequently resorted to rape.

356. The following individual cases were reported.

357. Peter Anderson Rodriguez, a student at the Jungle Institute of Technology, was arrested by soldiers at Tarapoto on 30 June 1991. He was taken to the Morales military base, stripped and beaten until he lost consciousness.

358. The Government stated that Anderson Rodríguez Flores had been arrested by the army in June 1991. He was now an inmate of the Tarapoto prison following conviction on a charge of terrorism. No complaint alleging physical maltreatment or torture had been lodged.

359. Rolando García Navarro was arrested by soldiers at El Sauce, Tarapoto, San Martín (Alto Huallaga) on 25 November 1990. They beat him severely, threatened to kill him and began to hang him.

360. The Government stated that Rolando García Navarro lodged a complaint with the San Martín provincial prosecutor's office alleging that the head of the Sauce army detachment had arrested and tortured him on 25 November 1990. The public prosecutor ordered a medical examination but the complainant did not appear. In view of the complainant's failure to respond the prosecutor decided to file the complaint.

361. Roger Quinteros Garcia was detained at Tarapoto by soldiers and subjected to torture such as beating and electric shocks.

362. The Government stated that Roger Quinteros Garcia was detained by army personnel. He subsequently lodged a complaint alleging that he had been tortured at the military camp. He attended the hospital for medical

examination. The medical report stated that he had abrasions in the right molar region, haematoma in the left external ear canal and performation of the left ear drum. Five days medical rest was prescribed. After the examination the complainant did not reappear and a decision was made to file the case. Nevertheless the senior prosecutor ruled that the military commander of the Huallaaga front should be asked to identify the soldiers concerned and that formal charges should be drawn up.

363. Henry Bartra Solsol was detained by army personnel of the Mariscal Cáceres barracks, Morales, San Martín. He was badly beaten, tied in painful positions, immersed in dirty water and underwent a mock execution.

364. The Government stated that Henry Bartra Solsol was detained in August 1990 by army personnel and released on the 21st of the month. No complaint of maltreatment was filed.

365. Limber Garcia Mozambite, age 16, was arrested at Tarapoto on 15 September 1991 by members of the provincial technical police. He was taken to the police station and severely beaten. He had to be taken to hospital where an operation was performed on one hand.

366. The Government stated that the youth was arrested on the Tarapoto parade ground where he was intoxicated and carrying a firearm. After the arrest it was established that the lesion on his left hand had been caused when he clung to a railing in order to avoid arrest. As no blame attached to the police the case was filed.

367. Jorge Nabid León Ramírez was attacked by four members of the Los Linces battalion on 12 January 1992 at the entrance to his home in Ayacucho. Because of the blows received he had to be taken to hospital with broken ribs. Army personnel attacked his brother César Augusto on 6 March 1992 and hit his nose with an iron rod.

368. The Government stated that the Ministry of the Interior had initiated an investigation.

369. Olivia Pérez Fernández, age 15, who was 7 months pregnant, was roughly treated on 28 April 1992 by a military patrol from the Tarapoto barracks, the headquarters of the Huallaga military command. As a result she is reported to have had a miscarriage.

370. The Government stated that the miscarriage was the result of rough treatment by her companion, Emegardo Pua Vela before the latter's arrest. The records of the Tarapoto regional hospital show that Olivia Pérez Fernández was admitted on 16 April 1992. A note in the register reads "risk of premature birth - 28 weeks pregnant - rule out injury to foetus". She was discharged on 23 April and readmitted on the 29th with a diagnosis of premature birth. She was discharged at her own request on 30 April. Emergardo Pua Vela is now an inmate of the Tarapoto penal establishment having been convicted of terrorism.

371. Froyli Mori Vera, age 14, a secondary school pupil, was raped by a lieutenant and six soldiers from Bellavista military base on 7 June 1992 in Union, Nueva Lima, Bellavista.

372. The Government states that the Bellavista province prosecutor initiated an inquiry and on 15 September 1992 various members of the Leoncio Prado military detachment at Tarapoto were charged with rape.

373. The Special Rapporteur also made urgent appeals on behalf of the persons listed below. The date of each appeal is given in brackets after the summary.

374. Reigen Sajami Cumapa and Meldin Pinedo Aspajo, both peasants, were arrested by an army patrol on 25 April 1992 at San Miguel del Río Mayo, Tabalosos, Lamas, San Martín. They are reported to have been tortured at the time of arrest in the presence of all the villagers. (5 May 1992)

375. On the morning of 6 May 1992 members of the police and the armed forces tried to remove various Sendero Luminoso prisoners from the Canto Grande prison, Lima. According to the information received, this resulted in a clash between the security forces and the prisoners (who appear to have been armed) which lasted several hours and resulted in an unknown number of casualties. Concern has been expressed that Sendero Luminoso prisoners remaining in Canto Grande might be tortured as a reprisal for this incident. (18 May 1992)

376. In this connection the Government stated that the safety of all the prisoners was fully guaranteed and that it was not the practice of the Peruvian Government to torture prisoners. Female prisoners have been transferred to the Santa Monica women's prison which is specially equipped to accommodate them. The first incident was caused by the prisoners, who attacked the unarmed police personnel who entered the women's wing of the prison. The physical and mental integrity of the transferred prisoners is assured as delegations of the Interamerican Human Rights Commission and the International Committee of the Red Cross can confirm.

377. Roli Cachique Amasifuen, age 17, was arrested on 4 June 1992 by army intelligence personnel near the Juanjui halt, Tarapoto, and taken to Marisca Cáceres camp, Morales. There he was wounded in the abdomen by a shot from a firearm and was in hospital for over 30 days without receiving medical treatment. (9 July 1992)

378. The Government stated that the youth was arrested by army personnel on 30 June 1992 and taken to the Leoncio Prado detachment's quarters. It was there discovered that he was recovering from an injury, having been treated in the Tarapoto hospital for a bullet wound in the abdomen received during a clash at the Cainarachi narrows between terrorist criminals of the Tupac Amaru Revolutionary movement and an army patrol. On 16 July 1992 he was placed at the disposal of the Tarapoto first district deputy prosecutor, who released him.

379. Wilger Saldana Cotrina, a mechanic, Jose Vega Rivas, a peasant, Gipson Tuanama Fasabi, Limber Tuanama Fasabi and Luis Alberto Gonzalez Rucoba, also peasants, were arrested by army personnel at San José de Sisa on 22 June 1992. Concern has been expressed that they might be in danger of torture. (9 July 1992)

Information supplied by the Government under resolution 1992/42

380. In a number of notes verbales the Government has supplied extensive information on acts of violence by terrorist groups in Peru during the last 12 years and 1992 in particular. During the first seven months of the year 306 members of the security forces, 1,029 civilians, 729 subversives and 10 drug traffickers lost their lives.

Philippines

Information transmitted to the Government

381. By letter dated 21 August 1992 the Special Rapporteur transmitted to the Government of the Philippines information he had received on the following cases of torture:

(a) Ricardo Manalac, Mascardo Manalac, Bienvenido Sibal, Ernesto Muli and Idelfonso Magcalas were arrested on 9 July 1991 by members of the National Police of Santa Rita (PNP), Guagua PNP and RECOM III, based in Camp Olivas, San Fernando, Pampanga. They were mauled inside the military vehicle wnilst on their way to the jail; despite the bullet wounds sustained by Ricardo and Bienvenido, Ricardo was burned with cigarette butts while Bienvenido was struck with M-16 rifle butts;

(b) Terry Pahimnayan was arrested on 25 April 1992 at Barangay Imelda, Mondragon, Northern Samar, by members of the Citizens Armed Forces Geographical Units (CAFGU) who, at the same time, killed his brother Charito. He was taken to the Barangay Imelda Base where he was tortured before being released the next day;

(c) Nelson Matugas was arrested on 17 May 1991 in the village of Pili, near Danao city, Cebu, by members of the police and CAFGUs. He was severely beaten and hung from his hands in order to make him confess his membership in the New People's Army (NPA);

(d) Jaime Cabohocan and Felimon Cabanatan were arrested on 18 April 1992 at Barangay 1, población Giperles, Eastern Samar, by members of the army who took them to the Giperles municipal jail where they were tortured. When they were visited by members of their familiy the following day they complained of body aches and had difficulties in walking;

(e) Larry Guillema, a member of the Federation of Concerned Artist in Negros and the League of Filipino Students, was arrested on 22 June 1992 he was arrested in front of West Negros College by armed men in fatigue uniforms believed to be members of the Military Intelligence Group. During his detention he was subjected to severe beatings and burned with lighted cigarettes.

382. The Special Rapporteur also received information about the following cases of women who were raped by members of the military:

(a) Cherry Mendoza and Cecilia Sánchez, from Bataan, were sexually assaulted and threatened in December 1990 in order to make them confess their membership in the NPA;

(b) Julia-An de la Vega, aged 14, from Malicbong Abra, was raped on 27 January 1991 by three soldiers belonging to the "Cordillera Regional Special Action Force". Despite the fact that the rape was confirmed by a medical report, no action was taken against the aggressors.

Information submitted by the Government in connection with Commission resolution 1992/42

383. By letter dated 31 August 1992 the Government reported that, during the period 1990-1992, severe human rights violations had been persistently committed by the Communist Party of the Philippines, New People's Army (CPP/NPA), the Moro National Liberation Front (MNLF) and the Mindanao Islamic Liberation Front. The CAFGUs and the Civilian Volunteer Organizations (CVOs) were also considered responsible for human rights violations.

Republic of Korea

Information transmitted to the Government

384. By letter dated 12 November 1992 the Special Rapporteur communicated to the Government that he had received information on the cases of four persons who were arrested without a warrant in August 1992 under the National Security Law, taken to the Agency for National Security Planning and denied access to lawyers. It was also reported that they were beaten and deprived of sleep during interrogation. Their names are: Kim Nak-jung, arrested on 25 August, and Shim Keum-sup, Kwon Du-young, and Noh Jong-sun, arrested on 27 August.

Russian Federation

Information transmitted to the Government

385. On 4 August 1992 the Special Rapporteur sent an urgent appeal to the Government of the Russian Federation concerning the conditions of detention at the Kresty pre-trial jail in St. Petersburg. According to the reports, on 27 February 1992 a large number of prisoners were severely beaten and, as a result, one of them was killed. Other incidents involving beatings of prisoners reportedly took place since then. The names of Pavel Posokhov, Valery Alexeev, Igor Mazurov, Anatoly Morozov and Yury Lovric were mentioned among those prisoners alleged to have suffered this kind of treatement. In addition the cells at Kresty prison were said to be overcrowded, sanitary conditions extremely bad and medical care practically non-existent.

Rwanda

Information transmitted to the Government and replies received thereon

386. In a letter of 21 August 1992 the Special Rapporteur informed the Government that he had received reports that prisoners had been tortured during the months following the mass arrests of October 1990. There had, it

was alleged, been brutality during the arrests and subsequently torture had been used during interrogations by the central intelligence service (SCR), the security police and the national gendarmerie. The detention centres where torture was reported to have been most frequently practised were the gendarmerie building in central Kigali known as "central records" and the "criminology service", the Gikondo and Muhima detention centres and the armed forces headquarters at Kigali. The following cases were reported:

(a) Charles Mukuralinda was arrested in October 1990 and sent to the national gendarmerie detention centre at Gikondo. He was transferred to the Ruhengeri main prison in north western Rwanda. During questioning the security police whipped and kicked him and electric wires were attached to his right hand. He was confined for a few days in one of the unlighted cells known as black holes;

(b) Donatien Rugema was arrested by security police personnel on 16 November 1990 and beaten with an electric cable. He spent a few days manacled in a black hole;

(c) Godefroid Nshimiyimana, of the newspaper Kaberinka was arrested on 6 December 1991. He was severely beaten during his three days in detention.

(d) Boniface Ntawuyirushintege, of the newspaper Umurange, was arrested in December 1991 and heavily beaten in the Kigali security police headquarters.

387. Torture and maltreatment seems to have been facilitated by the absence of safeguards against arbitrary detention, in particular the refusal to allow families, lawyers and independent doctors to get in touch with detainees. Other factors were the absence of judicial supervision of detentions which lasted for weeks or months after arrest and the fact that when cases came to trial and the accused testified to the torture they had undergone, the state security court did not order an investigation.

388. Further information has reached the Special Rapporteur regarding maltreatment during detention by the military. The armed forces seem to have tied their prisoners up in such a way as to hurt them and even cause injuries. Arms were tightly bound above the elbows and behind the back. In some cases legs were pulled up and secured to handcuffs. In most cases ropes were pulled so tight round arms that they caused injuries.

389. The Special Rapporteur addressed an urgent appeal to the Government on behalf of eight members of the Tutsi ethnic minority - Shabani Gasiwga, Ali Hitimana, Kayziranga, Hadj haruna Maboyi, Louis Nkusi, Evariste Sissi, Bosco Uwizeyimana and Vianney, son of Mbundi. They are reported to have been arrested during June and accused of having helped to recruit supporters of the opposition Rwandan Patriotic Front. They were detained for several days in the Kigali "central records" detention centre and were tortured. They were then transferred to the Kigali central prison. Concern has been expressed that they may again be subjected to maltreatment.

390. The Government informed the Special Rapporteur on 3 September 1992 that the persons mentioned had been arrested and were being tried for offenses

against the security of the State and not because of their ethnic origin. The procedure for provisional detention had been complied with. A judicial enquiry had been initiated into the conduct of members of the judicial police accused of the maltreatment of some them at the time of their arrest and was being reviewed at the Kigali court of first instance. Under the cease fire between the Government and the Rwandan Patriotic Front all the persons mentioned were released on 17 July 1992.

Saudi Arabia

Information transmitted to the Government and replies received thereon

391. The Special Rapporteur made urgent appeals on behalf of the persons mentioned below. The dates on which they were transmitted appear in brackets at the end of the corresponding summaries.

392. Muhammad al-Fasi, a Saudi Arabian businessman, was arrested in Amman on 2 October 1991 by Jordanian security forces and subsequently handed over to Saudi Arabian authorities. He was reportedly being held incommunicado at the General Investigation Directorate (al-Mabaheth al-'Amma) in Riyadh and was said to be frequently subjected to torture, such as beatings all over his body and falaqa. He had also reportedly been shackled throughout his detention and blindfolded for extended periods. (14 February 1992)

393. On 10 March 1992, Maha Sa'ad-ul-Din Banat, a Syrian national, was sentenced to 200 lashes by the Sheriah Court of Expedient Affairs in Riyadh. Maha Banat was accused of adultery with Ahmed al-Zahrani, a man she claimed she did not know. Ahmed al-Zahrani, a Saudi citizen, was sentenced by the same court to three months in prison and 100 lashes. The administration of the lashings was postponed for the duration of the holy month of Ramadan. It was also reported that Maha Banat, her 15-year-old daughter Ansaf Banat and Ahmed al-Zahrani were arrested by members of the "Committee for the Propagation of Virtue and Prevention of Vice" (CPVPV). The arrests took place in Riyadh on 12 February after an argument ensued between Ahmed al-Zahrani and Maha Banat, who accused him of propositioning her daughter. The quarrel caught the attention of a member of the CPVPV. Apparently in an attempt to deny the accusation, Ahmed al-Zahrani reportedly claimed that he had given Maha Banat 500 riyals for sexual favours. The three were taken to the CPVPV headquarters in al-Muraba' in Riyadh. During questioning, Ahmed al-Zahrani was allegedly beaten and made to sign a confession stating he had had a sexual relationship with Maha Banat. Ansaf Banat was also reportedly threatened and made to sign a confession to the effect that her mother knew Ahmed al-Zahrani. Ansaf was released after five hours while her mother remained in prison for four days, reportedly without food. Subsequently, the Shariah Court of Expedient Affairs in Riyadh charged Maha Banat and Ahmed al-Zahrani with adultery and passed the sentences. There were reportedly no defence lawyers or witnesses present and there was no possibility of appealing the court's decision. (13 April 1992)

394. With respect to this case, the Government reported, on 23 April 1992, that the allegation was fabricated. Had it been true, the Syrian Embassy in Riyadh would not have hesitated to get in touch with the competent authorities in Saudi Arabia.

Senegal

Information received from the Government with respect to cases included in previous reports

395. In a reply dated 25 March 1992 the Government responded to the Special Rapporteur's letter of 14 February 1991 concerning the cases of Bibta Niassy, Laminé Sané, Fatima Diatta, Louis Sadio and other inhabitants of Kartiak and Atome Manel Diatta, Viviane Sagna and other women of the Colobane district. (See E/CN.4/1992/17, paras. 199 and 200) The Government stated: "no Sengalese authority, judicial or otherwise, has been seized of these cases by the supposed victims, by lawyers or even by anonymous informants ... However, to cite only these two examples, Atome Manel Diatta and Viviane Sagna, who were the subjects of file RP No. 19/90 and were placed in custody on 26 June 1990 after being charged by the examining magistrate, never made a statement to this effect, despite the availability of duly appointed counsel".

396. The Government also referred to the case of Samuel Assoua Diabone, Sékou Mary and Gabguilo Djibalène. In his letter the Special Rapporteur stated that he had been informed that the persons mentioned had died in consequence of torture.

397. The Government stated that the Attorney General had ordered an inquiry into the causes of the death of Samuel Assoua Diabone. As an outcome of the inquiry, proceedings had been initiated by the Ziguinchor examining magistrate.

398. In the case of Sékou Mary an inquiry had been initiated but the medical certificate referred only to superficial lesions, facial swelling and oedema of the left elbow. The lesions were insufficient to explain Sékou Mary's death which might have been due to some malady. No autopsy had been undertaken and none had been requested by the parents, who had simply accepted their daughter's body for burial. The public prosecutor had not considered it necessary to open proceedings as on the face of things the evidence ruled out homicide.

399. Ganguilo Djibalenè had been charged with the organization of an unlawful association and conspiracy to undermine the authority of the State and the integrity of the national territory. He had been taken into custody on 27 June 1990. He was admitted the same day to the special ward of the Aristide le Dantec hospital for "an infectious syndrome resulting from suppurating cutaneous wounds with many cutaneous abrasions". He died on 1 July 1990 and the enquiry failed to establish the cause of death. The deceased had been arrested at Casamance and treated in hospital before his transfer to Dakar, the seat of the competent judge.

South Africa

Information transmitted to the Government

400. By letter dated 12 November 1992 the Special Rapporteur communicated to the Government that he had received information on the following cases of death as a result of torture:

(a) Solly Maele Mogashoa, a teacher at Namakgale, Phalaborwa, and an active member of the South African Democratic Teachers Union (SADTU). According to eyewitnesses, on 13 October 1991 he was arrested and beaten by members of the Lebowa "homeland" police based at Namakgale police station, Phalaborwa, in Transvaal province. He was then taken to Namakgale police station where he later died on 14 October 1991, apparently following further beatings. A pathologist who conducted a private post-mortem examination reported that Solly Maele Mogashoa had suffered various injuries including a fractured skull and fractured rib, and that there were multiple bruises and swellings on various parts of his body. The pathologist found that he died as a result of a fractured skull, with epidural haemorrhage and shock. Subsequently, two officers of the Lobowa police force were charged with murder;

(b) David Mokgalaka, a farm labourer at Lichtkraal Farm, was arrested on 1 November 1991 by members of the South African Police stationed at Louis Trichardt. According to reports, his hands were tied behind his back and to his feet, and he was then assaulted by members of the police who punched him with clenched fists, kicked him and stamped on parts of his body. He was also assaulted with a sjambok (whip). He was later put into the police vehicle and driven away. Later that day, two members of the South African Police arrived at the home of David Mokgalaka and took his father and grandmother to Louis Trichardt police station where his grandmother identified his body, which was seen to be still bleeding from a head wound. According to the post-mortem examination carried out by an independent pathologist, the death resulted from a bullet wound in his head, and other bullet wounds were also found in his chest and one of his arms. There were also bruises on various parts of his body consistent with blows from a blunt object.

Spain

Information transmitted to the Government and replies received thereon

401. In a letter of 21 August 1992 the Special Rapporteur informed the Government that he had received reports of cases of torture alleged to have occurred in Spain. Replies dated 2 November 1992 were received regarding the following cases:

(a) David García Gómez, a student, was arrested at his home on 21 March 1992 by personnel of the national police who beat and threatened him. The Government stated that David García Gómez had been arrested by officials of the Bilbao police headquarters on 20 March 1992 on suspicion of being a member of a support group of the ETA-M terrorist organization. On 22 March he made a statement at the police station in the presence of a court appointed lawyer. On 24 March he was placed at the disposal of examining magistrate's court no. 1. Various judicial boards conducted medical examinations on 21, 22 and 23 March. No evidence of torture having been discovered, the judicial authorities took no further action and decided not to initiate criminal proceedings to establish the facts;

(b) Mario Artola Mebdibe was detained by civil guards at his home in Donostia on 6 January 1992. He was severely beaten, particularly on the left leg which sustained a fracture of the tibia and fibula. The Government stated

that Mr. Artola had been arrested as a suspected member of the ETA-M terrorist organization. Noticing the guards he attempted to escape from the back of the house, jumping from the first floor. When he fell to the ground the guards ordered him to halt. In response he opened fire and to halt the attack a guard shot him in the leg so as not to cause fatal injury. As a result of the leap and fall the suspect fractured his left leg. Once arrested he was rushed to San Sebastián Red Cross hospital where he remained until doctors authorized his removal to the Gregorio Marañon Madrid Provincial Hospital. The examining magistrate later ordered his transfer to the general penitentiary hospital. The suspect was never held in police premises. He was always in hospitals, where statements were taken in the presence of a lawyer. He was moved between hospitals in ambulances and the medical staff never commented or complained that he had been maltreated or subjected to torture by his guards or by anyone else;

(c) Jon Arriaga Gorizelaia was arrested at Gernika by civil guards on 29 January 1992. He was beaten and threatened and a plastic bag was placed over his head nearly suffocating him;

(d) Imanol Elorriaga Bilbao was arrested at Gernika by civil guards on 29 January 1992. He was beaten and given electric shocks and threats were made to torture his wife;

(e) Juan Ramón Rojo was arrested at his home in Basauri by civil guards on 29 January 1992. He was insulted, threatened with a fire arm, pulled about by the hair and hit on sensitive parts of the body;

(f) Josu Eguzkiza was arrested at his home in Santurtzi by civil guards on 29 January 1992. He was beaten, given electric shocks, suffered sexual harassment and underwent a mock execution;

(g) Iñaki Bereziartua González, student, was arrested at his home in Bilbao by civil guards on 29 January 1992. He was beaten and given electric shocks;

(h) Pedro Cacigal Becerril was arrested at his home in Barakaldo by civil guards on 29 January 1992. He was beaten for four or five hours and forced to do repeated knee bends;

(i) Itxaso Sevillano Vidaurre, seven months pregnant, was arrested at her home in Gernika by civil guards on 29 January 1992. She was sexually harassed and threatened with abortion;

(j) Encarni Blanco Abad was arrested at her home in Santurtzi by civil guards on 29 January 1992. She was hooded and badly beaten. She was also sexually harassed;

(k) Paula García Rodríguez was arrested at her home in Basauri by civil guards on 29 January 1992. She was insulted, threatened with death, beaten and given electric shocks on the legs, hands and belly. The guards threatened to torture her son and she was forced to listen to her husband being tortured;

(l) Itziar Amezaga was arrested at her home in Getxo by civil guards on 29 January 1992. She was hooded and beaten and a plastic bag was put over her head. She was also sexually harassed;

(m) José Maria Arazamendia, workman, was arrested at his home in Elorrio by civil guards on 29 January 1992. He was badly beaten;

(n) Maria Angeles Larrea, housewife, was arrested at her home in Getxo by civil guards on 1 February 1992. She was beaten and sexually harassed;

(o) José Félix Marías Matyrana, workman, was arrested at his home in Elorrio by civil guards on 3 February 1992. He was beaten and given electric shocks;

(p) José Maria Azpitarte Ispizua, retired, was arrested at his home in Bermeo by civil guards on 5 February 1992. He was beaten and threatened;

(q) Rosa María Arán Txakartegi, worker, was arrested in Gernika by civil guards on 5 February 1992. She was beaten. A plastic bag was placed over her head and she was given electric shocks on sensitive parts of the body. She was also sexually harassed;

(r) Begoña Ezkerra, waitress, was arrested in Bermeo by civil guards on 6 February 1992. She was forced to do repeated knee bends, beaten, suffered sexual harassment and was nearly suffocated by means of a plastic bag placed over her head;

(s) Alejandro Casanova, waiter, was arrested in Barakaldo by civil guards on 25 February 1992. He was forced to do repeated knee bends and beaten on the testicles, stomach and kidneys;

(t) Felix Gonzalez Huidobro, unemployed, was arrested at his home in Barakaldo by civil guards on 25 February 1992. He was severely beaten, nearly suffocated by means of a plastic bag placed over his head, and given electric shocks;

(u) Estanislao Davadillo, electrician, was arrested at his home in Barakaldo by civil guards on 25 February 1992. He was badly beaten, given electric shocks and suffered sexual harassment.

402. The Government states that all the persons listed were correctly treated. They were under judicial supervision at all times since the judge on duty at the high court and the judge of the place where the arrest took place were notified of the arrests immediately they occurred. All the detainees, with the exception of José Felix Marias Maturana and José María Azpitarte, who were released at area headquarters, were taken to civil guard headquarters and remained there until they made a statement for later presentation to the national court. While at the headquarters they were visited on various occasions by national court forensic medical practitioners who did not report lesions on any of them.

403. The Special Rapporteur was informed that under the Criminal Proceedings Law persons arrested by reason of suspected connections with an armed band

may, subject to judicial authorization, be held incommunicado for five days. Families are not informed of the fact of detention or of the place where the suspect is detained. A lawyer is appointed by the court. According to informants this practice facilitates the practice of torture.

404. The Special Rapporteur made an urgent appeal on 13 March 1992 in connection with the hunger strike by a group of prisoners at the Salto del Negro prison at Las Palmas, Canaries. Their names were Itziar Arrizabalaga Osa, Patxi Cabello Pérez, Iñaki de Juana Chaos, Ander Errandonea Arruti, Esteban Esteban Nieto, Jon Etxeandi Zorroza, Jon Gaztelumendi Uribarren, Pedro Guridi Arozena, Joxean Kortadi Alustiza, Manuel Muiños García, Xabier Oregi Etxebarria, Jon Tapia Irujo, Daniel Vidal Magallanes and Jose Ma. Zabarte Arregi. The prisoners are reported to have been subjected to repeated beatings and incarceration in punishment cells. Two of them, Jon Etxeandia Zorroza and Daniel Vidal Magallanes, were severely beaten on 1 February 1992, touching off the hunger strike. It was also reported that the prisoners have not received medical attention and that some were in very bad health when visited by their families.

405. On 14 April 1992 the Government stated that there had been no beatings, ill-treatment or similar measures. The prisoners involved were serving long sentences and were subject to control and supervision for security reasons. Where prisoners were placed in solitary confinement because of insubordination and the danger they presented, the measure was taken in strict conformity with the law. This required that prisoners in solitary confinement should occupy cells similar to the remaining cells in the establishment and subject to the report of the prison doctors, who keep inmates in solitary confinement under daily observation. If the inmate is ill, he undergoes the punishment in the cell he normally occupies and has the right to an hour's exercise daily. The hunger strike was not caused by alleged ill-treatment of the prisoners. The strike, which began in late 1991 and ended on 15 March, was conducted in accordance with a preconceived general plan for ETA prisoners in all Spanish prisons to put pressure on the authorities. Before starting the hunger strike the inmates had accumulated stocks of high energy and high protein food. Throughout the strike they were kept under continuous, permanent and individualized medical observation.

406. On 21 May 1992 the Special Rapporteur made a further urgent appeal on behalf of a group of 12 prisoners in Salta del Negro prison who began another hunger strike on 24 April 1992. According to the information received the strike had been called in response to the prison authorities' failure to carry out the agreements reached earlier. The strikers' state of health was said to be giving rise to great concern.

Information received by the Government with respect to cases included in previous reports

407. On 10 February 1992 a reply was received from the Government regarding the cases of María Arrate Lejarza, Estibaliz Lejarza and Jesús María Salterain, who were arrested in November 1990 and alleged to have

been tortured. (E/CN.4/1992, para. 207) The reply stated that the cases which were reported to the Committee against Torture in late 1990 had never been the subject of complaint to the Spanish judicial authorities.

408. The Government stated that the Lejarza brothers were arrested on 18 November 1990 and underwent a medical examination the following day. The examination did not reveal external signs of lesions. A second examination on 21 November 1990 also revealed no signs of maltreatment. The same day they made statements to the magistrate in the presence of a lawyer that they had not been subjected to maltreatment.

409. Jesús María Salterain was detained on 19 November 1990. He was taken to the forensic medical practitioner of the No. 5 Central Examining Court of Madrid and told him that he had been beaten, given electric shocks and near suffocation by means of a plastic bag placed over his head. He made the same statements to the examining magistrate, the prosecutor and his lawyer on 21 November 1990. Neither the magistrate nor the prosecutor thought it necessary to investigate the incidents asserted by Mr. Salterain. Nor did the defence lawyers ask for the initiation of such action.

Sri Lanka

Information received from the Government with respect to cases included in previous reports

410. On 31 March 1992 the Government replied with respect to the case of Florence Ariamalar Gnanakone on behalf of whom the Special Rapporteur had made an urgent appeal on 22 May 1991 (E/CN.4/1992/17, para. 208). According to the sources, she was arrested on 9 May 1991 in Colombo by the Criminal Investigation Department; from 9 to 15 May 1991 she was detained at Police Headquarters, where she was severely mistreated. She was transferred to Colombo General hospital on 15 May but 48 hours later she was taken to Welikada Remand jail where she suffered physical abuse.

411. According to the Government's reply, Mrs. Ariyamalar was arrested for possession of heroin and taken to the Police Narcotic Bureau. The next day, members of her family were granted permission to speak to her and to provide her with food and medicine. On the same day she was produced before a magistrate who ordered her immediate transfer to the Welikada Remand Prison. During her detention at the Police Narcotic Bureau, she was not harassed or ill-treated by any of the officers.

Sudan

Information transmitted to the Government and replies received thereon

412. By letter dated 21 August 1992 the Special Rapporteur transmitted to the Government information he had received on the following cases of torture which allegedly occurred in Sudan:

(a) Ahmed el Hussein, Deputy Secretary-General of the Union Democratic Party, former Minister of the Interior and former Deputy Prime Minister, was reportedly arrested in May 1992, beaten and tortured by the security forces;

(b) Bothaina Doka, a nurse from the Huba Mountains who was working at the Khartoum Civil Hospital, was arrested in December 1990 by security officers. During her detention, the officers gagged her and strung her up from the ceiling by her hands (behind her back) and feet and beat her from morning to midnight. She was also denied food and use of the bathroom and threatened with rape;

(c) Sharaf Eldin Yassin Mahmond, journalist; Nur al-Huda Mohamed Nur al-Huda; Jamal Ibrahim, leader, Iqd al-Jallad Music Band; Uthman al-Naw, member, Iqd al-Jallad Music Band; Omar Bannaga, member, Iqd al-Jallad Music Band; Anwar Abdelrahman, member, Iqd al-Jallad Music Band; Muhammed Shammat, member, Iqd al-Jallad Music Band; Muhammed Mahmoud, student, Graduate College, Khartoum University; Abdallah Muhammed Ahmed, businessman; Abdelwahid Muhammed Ahmed, businessman; Adel Hassan, employee, Khartoum University; Al-Sir Abdelkarim, employee, Faculty of Engineering, Kartoum University; Baha's al-Din Hassan Daoud, employee, Faculty of Agriculture, University of Khartoum; Omar Muhammed Saleh, journalist, al-Thawra al-Shaabia banned newspaper; Salah Sulayman Bakheit, graphic artist; Ali al-Amin, graphic artist; Abdelwahid Warrag, journalist, al-Quwat al-Musallaha newspaper; Al-Mardi al-Mualim, graphic artist; Muhammed Ali, businessman; Mahmond Jah-Allah, graphic artist; Mustapha Ahmed Hassan, captain, Sudan River Navigation Authority; Al-Amin Kuku, soldier; Muhammed al-Mahdi, Imam, al-Khalifa Mosque, Omdurman; these persons were among a group of 64 people arrested in July 1991 and taken to the Headquarters of the Public Security Organ (PSO) where they were severely beaten and threatened with death. Some days later they were transferred to Beit al-Ashbah, one of the detention centres known as "ghost houses" where the beatings continued with truncheons and whips for several hours. During their stay at Beit al-Ashbah they were placed in a cell together with other detainees who had also been seriously beaten and threatened. Their names are: Adulaziz Gaafer, economist; Abu-Bakr al-Amin, journalist; Alaa Eldin Himoura, trader; Adel Abul-Qassem, state employee; Muhammed al-Balla Abdallah; Atef Amin, Egyptian citizen accused of spying; Idris Muhammed, Ethiopian citizen; Sulayman Muhammed Nur, Ethiopian citizen; Tambai, Ethiopian citizen; Taha Abdul-Gadir, Ethiopian citizen; Omar Adlan, trade unionist; Abdul-Rahman Ibrahim, student; Ali-al-Umdah, businessman; Mustapha Youssef, engineer; and Ibrahim Bakht, university teacher;

(d) Ahmed Osman Sirraj, head of the Psychiatry Deptartment of the University of Khartoum, was reportedly arrested on 9 September 1990 and taken to security headquarters. He was held incommunicado for five months during which period he was tortured.

(e) Siddig Yousif Ibrahim, engineer, arrested in January 1990 and Abu Bakr Al Amin, journalist, arrested in November 1990. These two persons were reportedly severely tortured for one month before being transferred to Kobar prison.

413. With respect to these cases, the Government reported on 23 November 1992 that a committee headed by the Prosecutor General was appointed to carry out an investigation. According to the conclusions reached by that committee, some of the persons mentioned were never detained. With the exception of one,

none of those detained filed a complaint to the appropriate authorities alleging torture or ill-treatment. In that exceptional case the official responsible was tried and sentenced to one year imprisonment.

414. The Government also reported that rumours of torture started to circulate locally and abroad beginning in 1990. To be able to distinguish between genuine cases and mere fabrications by the opponents of the Government, section (40) of the National Security Act was amended. As a consequence of that amendment, the judiciary was authorized to investigate any allegation of torture or ill-treatment. A Supreme Court judge was named to receive and investigate such allegations. Furthermore, a lawyer from the Attorney-General's office was given accesss to all detention centres. He was authorized to enter any centre at any time and investigate any complaint of torture or ill-treatment.

415. The repealed Penal Code of 1983 did not contain a provision against torture or ill-treatment of detainees. For the first time torture and ill-treatment of detainees was made a criminal offence punishable with imprisonment under section (115) of the 1991 Penal Code. The measures described clearly show the Government's determination to prevent the occurrence of torture and punish whoever violates that policy.

416. In addition to the above-mentioned, the Special Rapporteur made urgent appeals on behalf of the following persons, regarding whom fears were expressed that they might be subjected to torture. The dates on which they were sent appear in brackets at the end of the corresponding summary.

417. Ali Al-Mahi Al-Sakhi, a foundry worker and President of the banned Sudan Mint Workers' Trade Union, as well as Muawia Umran, a worker, were reportedly arrested for political reasons in the third week of November 1991 in Khartoum. Abdel Aziz Dafalla and Abul Hassan were reportedly arrested around the same time, apparently in connection with the circulation of opposition pamphlets in Khartoum. All four men were believed to be held without charge or trial in secret detention centres. It was also reported that other persons arrested since November 1989 and taken to secret detention centres had been subjected to torture. (20 December 1991)

418. Colonel Mustafa al-Tay and 40 other officers serving in the army and airforce were arrested in Khartoum and Omdurman on 2 February 1992, for taking part in an alleged coup attempt, and were said to be kept in detention centres run by the "security of the Revolution". It was also reported that people arrested and taken to those detention centres were very often subjected to severe torture such as being whipped and burnt by hot irons.
(14 February 1992)

419. Awad al-Sharif, an engineer from Khartoum, arrested on 1 January 1992; Philip Akot Akok, once a member of the former Southern Sudan Regional Assembly and member of the Dinka ethnic group, arrested in mid-February 1992 in Khartoum; Adnan Zahir Surur, a lawyer, arrested in Khartoum around 12 February 1992; Kamal al-Gizouli, a lawyer and Secretary-General of the Sudanese Writers' Union, also arrested in Khartoum around 12 February 1992; Makoi Wuol Manuer, head of the relocation programme of the Sudan Council of Churches and member of the Dinka ethnic group from Bahr al-Ghazal, arrested in

Khartoum on 9 February 1992. According to the information received these persons were being held without charge or trial either at security headquarters in Khartoum or in a secret detention centre. (30 March 1992)

420. Peter Cirilio, former Governor of Equatoria, and Nicola Aboya, of the Police Command in Juba, were arrested in Juba in mid-June 1992 on suspicion that they had knowledge about an impending insurrection and had failed to inform the authorities. It was also alleged that they were tortured while in detention and that they had been transferred to an unspecified place in Khartoum. (17 July 1992)

421. Omar Mohamed Mokhtar, Salah Mohamed Idris, Magdi Mohamedani, Mokhtar Fadul and Shehab Ahmad Gaafar, all trade unionists, were arrested in late August 1992 and held in incommunicado detention in Kartoum. They were said to be held in one of the capital's detention centres known as "ghost houses" which are run by the Government's security service. (25 September 1992)

422. Mohamed Sid Ahmed Atig, journalist, and Tigani Al Hussein Daffa El Sid were reportedly arrested without warrants in May 1992 in Khartoum and held in incommunicado detention. It was also reported that they had been tortured and that they were at risk of being further subjected to this kind of treatment. (23 October 1992)

Information received from the Government with respect to cases included in previous reports

423. On 24 January 1992 the Government transmitted information with respect to the cases of Muawia Gaffaar, Zein Al-Abdeen Eltayed and Adnan Zahir Surur, on behalf of whom the Special Rapporteur made an urgent appeal on 4 November 1991 (E/CN.4/1992/17, para. 219). Regarding Muawia Gaffaar, the Government informed that an investigation was being carried out. Regarding Zein Al-Abdeen Eltayed, it was reported that he had never been detained. As for Adnan Zahir Surur, he was released and the allegations claiming that he was tortured were false and unfounded.

424. The Government also transmitted information on 19 December 1991 according to which the High Court of Justice did not confirm the sentence to cross-limb amputation concerning Haroun Abdel Karim and changed it to life imprisonment (E/CN.4/1992/17, para. 218).

Sweden

Information transmitted to the Government and replies received thereon

425. On 10 April 1992 the Special Rapporteur sent an urgent appeal to the Government of Sweden concerning Ahmet Aktas, a Turkish citizen who was arrested on 25 June 1991, convicted of rape in October 1991 by the Gota (Hovratten) Court and sentenced to five years' imprisonment. He was being held in Kumla prison and, according to the information received, he had been severely beaten on several occasions. In particular, it was alleged that on 20 and 23 December 1991 he was beaten for refusing to sign a document in

Swedish that he could not understand and on 13 January 1992 for requesting the delivery of a package. Fears were expressed that he might be subjected to further ill-treatment.

426. The Government replied to this case on 8 May 1992 by sending a report from the Governor of Kumla prison. According to it, Mr. Aktas was a mentally abnormal person who had difficulty in accepting his situation and in adapting to the prison regulations. On 3 April 1992, and without provocation, he attacked one of the warders, causing him minor injuries. A day or two later he underwent a routine lung X-ray in the prison, the result of which was satisfactory. He also tried to persuade the senior nurse to certify in writing that he had been beaten, which the nurse was not able to do since he had not been present when Mr. Aktas attacked the warder and because he had no visible wounds. No injuries were recorded in the medical reports corresponding to the time during which Mr. Aktas was at Kumla prison.

Syria Arab Republic

Information transmitted to the Government and replies received thereon

427. By letter dated 27 October 1992 the Special Rapporteur communicated to the Government that he had received information according to which torture is routinely used by various security agencies both as a means of extracting information about suspects and as a form of punishment. This is so despite the fact that torture is banned by the Constitution and is punishable by imprisonment under the Penal Code. Methods of torture include beatings on all parts of the body; falaqa (beating on the soles of the feet); dullab (the tyre method-hanging the victim from a suspended tyre and beating him or her with sticks and cables); and pouring cold water over the victim's body. The case of Aktham Nu'aysa was reported in particular. This person, a 41-year-old lawyer, was arrested in December 1991 in connection with the activities of the so-called Committees for the Defence of Democratic Freedoms and Human Rights in Syria. He was reportedly tortured so badly that he needed medical treatment and had to be taken to the Harasta Military Hospital near Damascus.

428. It was also reported that the following persons had died in police custody as a result of torture:

(a) Colonel Muhammad Dawud (also known as Abu Dawud), a senior member of the Palestine Liberation Organization (PLO), died in his cell in Saidnaya Prison in December 1990 or January 1991. He had allegedly been subjected to severe torture the previous day. The reasons for his torture were reportedly related to a chant sung by Palestinian and other prisoners in celebration of the uprising in the Occupied Territories. He was apparently suspected of being the instigator of the singing;

(b) Ziad Musa Qatnani reportedly died on 8 May 1990 in Fara'al- Tahqiq al-'Askari in Damascus. He had been visited by his mother one month before his death, when he appeared to be in reasonable health. However, when his body was returned to his family, it apparently bore marks of torture by electricity and his skull was broken;

(c) Munir Francis, a civil engineer, reportedly died as a result of torture in April 1990 after he was admitted to al-Muwassat Civil Hospital in Damascus suffering from internal bleeding. When his body was returned to his family it apparently bore the marks of beatings;

429. In addition to the above-mentioned, the Special Rapporteur made urgent appeals on behalf of the following persons, with regard to whom fears were expressed that they might be subjected to torture while being held incommunicado. The dates on which the appeals were sent appear in brackets at the end of the corresponding summary.

430. Aktham Nu'Aysa, Muhammad 'Ali Habib and Amjad Bahbuha were reportedly arrested in Latagiyya on 18 December 1991 by members of Al-Mukhabarat Al-'Askariyya (military intelligence) and held incommunicado with no access to a lawyer or to their families. It was also reported that they were all tortured and that, as a result, Aktham Nu'Aysa suffered a kidney complaint and had to be admitted to Harasta Military Hospital near Damascus. (24 January 1992).

431. Samir Nu'Aysa, a civil engineer, was arrested on 18 January 1992 in Lataqiyya by members of military security. He had reportedly been detained in order to put pressure on his brother, Aktham Nu'aysa (held incommunicado in Harasta Military Hospital) to give information about the Committee for the Defense of Democratic Freedoms and Human Rights in Syria. (7 February 1992)

432. With respect to this case, the Government reported, on 26 March 1992, that Samir Nu'Aysa was not arrested in order to bring pressure on his brother to reveal information concerning the Committee for the Defence of Democractic Freedom and Human Rights in Syria; he was arrested in connection with his membership of the illegal Communist Action Party, and so was his brother. The question of the Committee for the Defence of Democractic Freedoms and Human Rights, which was in no way involved in this matter, was raised without any justification in an attempt to condone its acts and win the sympathy of international organizations. Victims of acts of violence carried out by the said party brought civil actions against Samir Nu'Aysa, who was indicted in the presence of his lawyer and tried in accordance with the legal and humanitarian procedures that were observed in the country.

433. 'Abd al-'Azis al Khayyir, a doctor; Bahjat Sha'bu, former medical student and Khadija Dib, from Latagiyya, were reportedly arrested in Damascus at the beginning of February 1992 by members of military intelligence in connection with the prohibited Hizb al-'Amal al-Shuyu'i, Party for Communist Action. (18 February 1992).

434. Akram Salim Ishti, a doctor and lecturer at the American University in Beirut, was reportedly arrested in January 1992 by Syrian security forces in Beirut and taken to Damascus; Dani Mansurati, a Lebanese, was reportedly arrested by members of military intelligence on 9 May 1992 while being driven in a friend's car in a Damascus street; he was reportedly being held incommunicado at the headquarters of air force intelligence in Damascus. Rozit'Isa was said to have been arrested in February 1992 by members of Amn-al-Dawla, general intelligence. Marwan Ghazi, a manager in the Dar al-Asimah Publishing House in Damascus, was said to have been arrested on

9 March 1992 in Damascus in connection with the prohibited Nasserist Democratic Popular Organization. Ahmad Hassu, a Syrian Kurd and former medical student, was reportedly arrested on 17 March 1992 by members of Amn al-Siyassi, political security, in Damascus and believed to be held in their headquarters in al-Qassa' district in Damascus. Tammam al-Amin, and 'Abd al-Naser Hassu, students, were reportedly arrested in May 1992 by members of Amn al-Dawla. (2 September 1992)

Togo

Information transmitted to the Government

435. In a letter of 12 November 1992 the Special Rapporteur informed the Government that he had received reports that Captain Esso Charles Pello, secretary of the Togo armed forces and former head of intelligence services had been arrested at Lomé on 28 July 1992. He was said to have been taken to the gendarmerie in Kara in northern Togo where he had been beaten, deprived of food and given electric shocks. In consequence of this treatment he had had to be taken to hospital in a coma.

Tunisia

Information transmitted to the Government and replies received thereon

436. By letter dated 21 August 1992 the Special Rapporteur communicated to the Government that he had received information concerning the practice of torture in the country. As well as a number of individual cases. The Government replied to this letter on 19 November 1992. In addition, the Special Rapporteur made two urgent appeals on behalf of several persons who, according to the information received, were at risk of being tortured. The Government also replied to these appeals on different dates.

(a) Information transmitted to the Government with regard to the practice of torture in general

437. According to the information received, torture or ill-treatment of detainees believed to have been active in the Islamist al-Nahda movement seems to be routine in the three main detention centres in Tunis: the police station of Bouchouchà, the national guard station at al-Aouina and in the cells at the Ministry of the Interior. Most cases of torture reportedly occur during the period of garde à vue detention which frequently extends beyond the 10-day maximum limit allowed under Law 87-70. Torture methods alleged include beating various parts of the body, especially the soles of the feet; suspension by the feet or in contorted positions such as the "roast-chicken" (in which the victim is trussed up and tied to a horizontal pole by hands and feet bound in front) or "aeroplane" (in which hands and feet are bound behind), usually accompanied by beating; electric shocks; insertion of bottles in the rectum and sexual abuse.

438. It was also reported that the Code de procédure pénale fails to spell out clear and speedy procedures to be followed in the event of torture allegations being made. The investigating judge is obliged merely to convey the allegation to the Procureur de la Republique and then proceed with

investigating the original offence. Even when the investigating judge orders a medical examination, this is not necessarily or usually carried out immediately.

439. The Government observed in a letter of 19 November 1992 to the Special Rapporteur that the allegations of ill-treatment transmitted on 21 August 1992 were not recent and went back to 1990-1991. They echoed part of a report Amnesty International had sent to the United Nations Centre for Human Rights to which the Government had responded in a detailed memorandum transmitted on 10 July 1992. In 1990-1991 extremists had stirred up disorder and tried to destabilize the country by means of organized violence. The instigators and authors of the disorders had been brought to trial in open court in August 1992. Following allegations of maltreatment a commission of inquiry consisting of independent personalities and representatives of NGOs concerned with the protection of human rights had been set up on the initiative of the President of the Republic. The commission, known as the Driss Commission, had made an exhaustive investigation of the allegations of ill-treatment. It had interviewed the persons concerned and their families, visited places of detention, examined records of persons in police custody and other relevant documents and had reported to the President in October 1991. The report, whose conclusions and recommendations have been published, found that some abuses had been committed and were the outcome of individual, isolated action contrary to State policy and the President's instructions. Following publication of the report administrative action was taken against some law enforcement officials, who were also subject to court proceedings under the legislation in force.

440. In addition, on the President's instructions assistance of an essentially social and humanitarian character was provided by the authorities to the victims and their families. This included the award of a grant and substantial pension, without prejudice to any compensation the courts might order. A second report following up the findings and recommendations of the Driss Commission's report was completed in July 1941 and published on the initiative of the President.

Individual cases transmitted to the Government

441. Abdellatif Tlili was arrested on 21 November 1990 in Ariana and reportedly kept incommunicado for 42 days at the Ministry of the Interior. He was severely beaten while held in the "roast chicken" position. He also faced sexual abuse and underwent a mock execution.

442. Salah Hedri was arrested on 23 April 1991. He was allegedly suspended by the feet and beaten on his feet and knees.

443. Abdelkhaliq Alaoui was arrested in March 1991 at Ksour by the National Guard and held incommunicado for some days. He was then taken to the hospital where he was visited by a friend who saw his body covered with bruises.

444. Hamide ben Lazhar al-Said was arrested on 3 October 1991. During his detention he was made to sit on a bottle and needed 26 stiches in his rectum.

445. Mansouri Toumi was arrested on 3 October 1991. He was reportedly tortured in al-Aouina by being suspended by the arms from an iron bar two metres above the ground.

446. Fatima Guitouni was arrested in May 1991 and held at Nabeul police station. During her detention she was beaten while sitting on the floor with her foot suspended from a metal wire between two chairs.

447. The Government states that the six persons listed are not among those found to have been the victims of brutality and ill-treatment.

448. The Special Rapporteur was informed that the following died under torture after arrest:

(a) Rachid Chammakhi, a supporter of the illegal Hizb al-Nahda Islamic movement was arresteed on 24 October 1991 and taken to Slimane police station where he was severely beaten. Some days later he was taken to hospital and died there. According to witnesss he had multiple bruises and wounds. The Government states that the public prosecutor of Grombalia was instructed to consider reopening the judicial inquiry into allegations that the death was caused directly or indirectly by maltreatment. The prosecutor examined the allegations and did not find material that would justify reopening the inquiry in accordance with the Code of Criminal Procedure, article 121. The inquiry has been provisionally shelved;

(b) Noureddine Masi, a member of Hizb al-Nahda, was arrested on 24 January 1992 and taken to Nabeul police station where he was tortured by the "roast chicken" method. The Government states that the allegation that Noureddine Msedi (called Masi in the Special Rapporteur's letter) is dead is incorrect. He is alive;

(c) Abdelwahed Abdelli, a fourth-year student at the Ecole normale supérieure, died in Sousse on or about 30 June 1991. According to fellow detainees in Sousse police station, he was shot in the leg and arrested two days before he died. He was reportedly left without medical attention and tortured. Apparently no autopsy report was given to the family;

(d) Tarek Azitouni, a university student at the College of Letters and Science at Tunis. It was reported that he had died on 9 February 1991 in the city of Mareth after his head was smashed by the police;

(e) Amer Degachi of Wardya, a third-year theology student at Tunis University is reported to have been arrested in June 1991 and to have died under torture 11 July 1991 at the Ministry of the Interior. The Government states the three persons listed are not among those found to have been the victims of brutality and ill-treatment.

449. The Special Rapporteur also made urgent appeals on behalf of the following who were feared to be in danger of torture. The date of each appeal is given in brackets at the end of the summary.

450. Ezzeddine Hadj Belgacem is reported to have been in police custody at Gabès since 7 February 1992 when he was arrested. His family has not been

allowed to visit him but has been permitted to leave clothes at the police station. He is reported to have been taken once to his office under police guard for a business meeting with the representative of a foreign firm for which he used to work. The representative is quoted as saying that Mr. Hadj Belgacem looked as though he had been subjected to physical mistreatment and looked unkempt and exhausted. (17 March 1992).

451. On 29 September 1992 the Government informed the Special Rapporteur that Ezzedine Hadj Belgacem had been questioned by the Gabès police on 19 March 1992, not 7 February, regarding the unlawful acts he was believed to have committed. When the permitted period of police custody expired, he was placed at the disposal of the public prosecutor at the Gabès court of first instance. The prosecutor accused him of assisting and concealing wanted persons and holding meetings with a view to undertaking acts to undermine the internal security of the State. The examining magistrate, to whom M. Hadj Belgacem had admitted his guilt, made an order for his detention. He had not been subjected to maltreatment during his detention. He was sentenced by the Gabès court of first instance to 2 years 9 months imprisonment on 29 April 1992. The Gabès appeal court reduced the sentence to 21 months on 31 August 1992.

452. Noureddine Mabrouk is reported to have been arrested on 3 February 1992 at the Bizerta high school where he teaches. He was taken to the Bouchoucha police station. Later he was seen in the Ministry of the Interior, handcuffed and showing signs of maltreatment. (17 March 1992)

453. On 29 September 1992 the Government informed the Special Rapporteur that Noureddine Mabrouk had been arrested by the police on 17 March 1992, not 3 February, on suspicion of serious breaches of the law. He was brought in good time before the examining magistrate of the Tunis court of first instance. He was charged with membership in an association which advocates and practises violence and an order was made out for his detention awaiting trial. He suffered no ill-treatment during detention and on 16 April 1992 the Tunis court of first instance sentenced him to one year and 16 days' imprisonment and placed him under administrative supervision for two years. The Tunis appeal court confirmed the sentence on 24 August 1992.

454. Zouhair Mhiri, professor of European literature at Ain al-Idrahim and brother of Khaled Mhiri, suspected of membership in al-Nahda, an unauthorized Islamic organization, was arrested by police on 15 April 1992 and taken to the Ministry of the Interior where he was held incommunicado. Two days earlier the family house was searched and Zouhair Mhiri's father was taken to the police station for questioning. (7 May 1992)

455. On 21 September 1992 the Government stated that Zouhair Mhiri had been arrested by the Sousse police on 16 May 1992. He had not been arrested on 15 April or taken to the Ministry of the Interior in Tunis and held incommunicado. Following his arrest at Sousse, his case went to the Sousse public prosecutor and he was charged by the examining magistrate with membership in an unauthorized association which advocated and practised violence. He was heard by the examining magistrate on 21 May in the presence of his lawyer and an order for his committal was made the same day. The

proceedings are following the normal course. Mr. Mhiri was not subjected to maltreatment during detention and is now under the control of the judiciary.

456. Jamal Rizki, a suspected member of al-Nahda, Habib Khmila and 10 other Tunisians were arrested in Tripoli and expelled to Tunisia in February 1992. They are reported to have been taken to the Ministry of the Interior in Tunis where they are being held incommunicado. (7 May 1992)

457. On 21 September 1992 the Government stated that Jamal Rizki had been arrested by the police on 25 April 1992 and brought before the examining magistrate of the Tunis court of first instance on 28 April. He was sentenced by the court of first instance on 16 May to eight months' imprisonment and placed under administrative supervision for one year. Mr. Rizki has appealed to the Tunis court of appeal and the proceedings are following the normal course. Mr. Rizki was not subjected to ill-treatment while in detention.

458. With regard to Habib Khmila the Government stated that he was suspected of membership in a group conspiring against the security of the State. He was arrested by the police on 21 April 1992. The Ben Arous examining magistrate charged him with participation in a criminal association under articles 131, 132 and 133 of the Criminal Code. A committal order was made on 25 April 1992 and the case is proceeding. He was not subjected to ill-treatment of any kind during detention.

459. The Tunisian nationals expelled from Libya to Tunisia were arrested by the Libyan authorities for staying illegally in Libya. Three of them have been released. Eleven others are to be tried for offences for which they were wanted by the authorities.

Information received from the Government with respect to cases included in previous reports

460. On 30 May 1991 the Government transmitted comments on a number of cases in which torture was reported to have been used in the period 1987-1990. Information on the cases had been forwarded by the Special Rapporteur on 14 February 1991 (E/CN.4/1992/17, paras. 233 and 234). Owing to an error the Government's replies were not reflected in last year's report and are therefore given below. At the same time the Government observed that the protection of the individual against any physical attack is a fundamental requirement for the defence of his dignity and security. Cruel practices and mistreatment used as a means of extorting confessions or obtaining statements of whatever kind have no place in a civilized society. Moreover, confessions or statements so obtained are without juridical value and cannot afford a basis for any decision or judgement. Because torture and maltreatment are contrary to the principles governing civilized relationships, they are prohibited under Tunisian law and persons guilty of practising them are liable to penalties whose strictness and severity are commensurate with the repulsive nature of the practices and the loathing with which they are regarded by the lawmakers. In the Criminal Code the Tunisian legislature has accordingly given a particularly important place to defence of the dignity of the person and the prohibition of anything that can impair it. The Government also pointed out that human rights are embodied in the curricula of primary and secondary schools and at all levels of instruction in private as well as

public schools. Tunisia cooperates fully with the United Nations committees concerned with human rights by furnishing reports on the application of the relevant international instruments. Tunisia has presented an initial report on the implementation of the Convention against torture and other cruel, inhuman or degrading penalties or treatment and its third report on the implementation of the International Covenant on Civil and Political Rights. Tunisia is ready to cooperate in a responsible and open way with all bodies, international and regional, concerned with human rights. With regard to the information communicated by the Special Rapporteur the Government transmitted the following replies:

461. Sayyed Ben Burawi Ferjani, when interrogated, did not claim that he had been subjected to violence by the police. He said that he had pains in his spine and was accordingly examined on various occasions by different doctors. He was found to be suffering from psychological problems due to his arrest and not to have any ailment of the nervous system.

462. In the case of Lutfi Zaitoun no mention was made of exposure to violence when he was interrogated. Some time after his arrest his family said that he suffered from headaches and the prison doctor was asked to examine and treat him. On 11 July 1988 the doctor reported he and a neurologist had examined Mr. Zaitoun. His pathological condition was normal and he was in no danger. The doctor administered the necessary medication.

463. Mohsin Habouria did not say during interrogation that he had been subjected to police violence. He showed no signs of violence.

464. Nothing in Taufik Mejri's file suggests that he was subjected to violence and during interrogation he did not say that he had been.

465. Salih Ben Abderrahmane El-Abidi, a former army corporal, was arrested on 18 June 1988. He was shown to have contravened army regulations. His case was examined on 14 March 1988 and he was released under a presidential amnesty on 4 May 1989. On 14 February 1990 he was taken to the El-Okba police post after refusing to move his lorry from a no-parking area. He was not arrested and was not subjected to violence.

466. Jamal El-Sayari and Abdelkader Ben Omar Bonazizi were arrested by the Siliana police on 14 October 1988 as suspected members of a non-recognized organization in possession of subversive leaflets. They were questioned by the Kef police and later by the competent authorities in Tunis. The interrogations went normally and no pressure was applied. The prohibited documents found in the suspects' possession were enough to establish their membership and clandestine activities. They were released with a warning not to engage in further subversive activity.

467. Moncef Matalla, Moulidi Abassi, Mohammed Taher Hamouda, Mabrouk Abdeljaouad and Noureddine Ibrahim were arrested by Ariana national guard personnel on 15 June 1989 for organizing an unauthorized meeting under cover of a circumcision ceremony. They were released on 22 June and were not maltreated or tortured.

468. Imed Ben Ahmed Amdouni was arrested at Béja on 19 July 1989 and transferred to the regional hospital the same day because he was unwell. He was placed under police supervision until 1 August when he was brought before the Béja court of first instance on charges of intoxication, breach of the peace, sedition and aggravated assault on the person of officials.

469. Ibrahim Rejichi was arrested on 31 August 1989 by the Monastir police and later charged with the disrespect of the Head of State, indecency, assault of an official, damage to property, aggravated assault and drunkenness on the public highway. He was found not guilty.

470. Fathi Ben Ali Amor Hached, postman, was arrested on 6 September 1989 for possession of subversive leaflets. He was released the same day.

471. Murtadha Labidi was brought before the Gafsa court of first instance on charges of participation in an unlawful association, possession and distribution of prohibited leaflets contrary to public policy, defamation of the Head of State and making a collection without authorization. During the proceedings the safeguards of the defence were untrammelled. The appeals court ruled that the defendant was not guilty, evidence that the proceedings had been conducted in full accordance with the law.

472. Mohammed Mezzi was arrested on 26 December 1989 by the Ariana police for subversion, disruption of instruction in his lycée and distribution of leaflets, and was taken to court. He was not subjected to violence or torture.

473. Raouf Critli, Tarek Sallami and Nizar Ouni were arrested on 17 March 1990 following demonstrations and serious disorder in the Saniat Ben Abdallah district at Mannouba. They were questioned and brought before the Tunis district criminal investigation department. They were released the same day.

474. Hedi Ben Allala Bejami was questioned by the Ariana police concerning his involvement in leaflet distribution in the Sidi district. He was not arrested. The allegation of torture is unfounded. He was examined by a public health service doctor who issued a medical certificate stating that his health was satisfactory. He produced three medical certificates and lodged a complaint, but his allegations were rejected after a medical examination by a public health service doctor.

475. The judicial services have no information to suggest that a person called Raouf Mthlouti was arrested by the criminal investigation department.

476. Monia Jouini was arrested by the Sedjoumi police on 6 June 1990 in the act of writing subversive slogans on walls in the Mellasine quarter and distributing workers' communist party leaflets. She was brought before the courts and at the request of her lawyer underwent a medical examination by a doctor of the public health services. The doctor issued a certificate which refutes the allegations of torture.

Turkey

Information transmitted to the Government and replies received thereon

477. On 16 September 1992 the Special Rapporteur transmitted to the Government of Turkey a summary of the main allegations received with regard to the practice of torture in the country as well as a number of individual cases. In addition to this, the Special Rapporteur made 12 urgent appeals on behalf of persons who, according to the information received, were at risk of being tortured. On different dates the Government provided replies with respect to some of these appeals.

(a) Information transmitted to the Government with regard to the practice of torture in general

478. The Special Rapporteur received information according to which torture usually takes place in special sections of police stations, now called "Branches to Fight Terrorism", during the initial interrogation of a suspect. It was alleged that between 80 and 90 per cent of political suspects and a large percentage of detainees suspected of ordinary crimes are subjected to torture during detention. Frequent allegations of torture and ill-treatment have especially been received concerning cases from the south-eastern provinces.

479. Torture includes beatings with truncheons, suspension by the arms or wrists while naked, the use of electric shock to sensitive parts of the body, placing the detainee into a ring of several tyres so that he is unable to move and pouring hot and cold water over him, directing high-pressure water at victims and falaga (beating the soles of the feet). It was also reported that almost every woman submitted to torture is sexually harassed and sometimes even raped. The person tortured is usually kept blindfolded.

480. It was also reported that a person charged with common or "individual" crimes can in general be detained for 24 hours and a person charged with crimes under the Anti-Terror Law of 12 April 1991 for 48 hours before being presented to a judge. Additionally, the police may detain persons charged with any "crime of a collective or conspiratorial nature" for a maximum of 30 days in the 10 provinces under emergency rule and for 15 days in the rest of the country. These long detention periods are, according to the reports, a major factor in the continued use of torture. It was also reported that Turkish law does not guarantee a detainee the right to have a lawyer present during the questioning as such, but guarantees a general right of access to a lawyer. However, lawyers are reportedly constantly denied by the police or security forces an opportunity to see their clients. According to the law a detainee's family must be notified of the detention within the shortest time; however, in practice relatives spend days trying to learn the whereabouts of a detainee and are neither informed about the place of detention nor helped by the authorities in their search for such information.

481. As for the medical examinations, it was reported that very often they take place long after the torture actually happened. Some are cursory in nature and some are done in the intimidating presence of police officials. There have also been reports which suggest that in some cases State doctors

are subjected to pressure to issue misleading reports. On the other hand, only the reports of the State doctors can be used as evidence before the court, not reports based on an independent medical examination.

482. It was also reported that many people who have been subjected to torture are afraid to bring charges against the officials involved due to fear of further reprisals. On the other hand, the investigations of a case of alleged use of torture are carried out by the local police, which means the persons who are charged or persons who are in close contact with other officials charged. As a result, hardly any cases of suspected torture have been subjected to serious investigations. In addition to this, the provinces under the emergency rule apply article 15 of the Anti-Terror Law. This means that a complaint concerning the alleged use of torture or ill-treatment carried out by officials during detention of a person suspected of crimes according to the Anti-Terror Law's definition of terrorism will be submitted for investigation by the local administrative council which will then decide whether or not the case should be prosecuted in a court. The administrative councils are, according to the reports, comprised of members of the local executive who have no legal background and may be open to influence from local security force commanders. Furthermore, such hearings are conducted in camera and complainants and their lawyers are not able to follow the course of their cases closely.

483. In May 1992 draft reforms of detention procedures were reportedly submitted by the Turkish Grand National Assembly to the President for his final signature. The draft allegedly reduces the police detention period for collective crimes from 30 to 16 days for the 10 provinces under emergency rule and from 15 to 8 days for the rest of the country. The draft also emphasizes the right of a detainee to have access to a lawyer. According to the reports received the draft of the amendment was vetoed by the President so that it has to be debated again by the Grand National Assembly.

484. Reports were also received concerning the Eskisehir high security prison, located 150 kilometres from Ankara. This prison was said to be built in such a way as to keep prisoners in total isolation, in accordance with article 16 of the Anti-Terror Law which states that any prisoner standing trial or convicted under the provisions of this law is to be held in extreme conditions of solitary confinement. It was reported that in November 1991 a large number of political prisoners were moved from all over the country to this prison where they were all seriously beaten upon arrival, leaving many with broken bones or unable to walk.

(b) Individual cases transmitted to the Government

485. Hüseyin Aten and Salih Yilmaz were allegedly arrested in January 1991 in Bilican village (Kavsakli) by military officers. For nine days they were deprived of food and water, beaten severely and given electric shocks.

486. Ibrahim Türk was arrested on 6 May 1991 in Bismil and taken under police custody to Diyarbakir where he was beaten, hosed with pressurized cold water, suspended by the wrists with his arms tied behind his back and subjected to electric shocks.

487. Erdogan Kizilkaya was arrested in Kayseri, central Turkey, on 4 August 1991. At police headquarters he was made to lie on the floor and then trampled upon; electric shocks were applied to his penis, hands and feet and he was beaten with a truncheon.

488. Semsettin Kocak was arrested in Van at the end of September 1991 and taken to the political branch of Van police headquarters. During his detention he was reportedly subjected to beating, cold water under pressure, electric shocks and being hit with sandbags.

489. Yusufhan Zorba, board member of the Van branch of the Turkish Human Rights Association (IHD); Mehmet Sirin Zorba; Senar Turgut, film producer; Muhittin Aksin; Sakir Kanat, member of the Van branch of IHD; Cemal Kocat, member of the Van branch of IHD; Hüseyin Karakoyun; Sehmuz Karakoyun; Hayrettin Yacan and Salih Bagi were arrested in a police operation in Van at the end of September 1991. Their homes were raided and they were reportedly beaten while being taken away for interrogation. They were taken to the political branch of Van police headquarters, where the beating reportedly continued. They were also suspended by the wrists.

490. Rauf Yildiz, Murat Günes, Ibrahim Burakmak and Hanifi Eser were reportedly arrested on 3 November 1991 in Diyarbakir and taken to police headquarters where they were reportedly tortured. Methods included suspension by the wrists, spraying with cold water at high pressure and beating with a truncheon.

491. Refik Akin was detained on 29 January 1992 by security forces in Sazlibasi village, Korkut district of Mus, in south-east Turkey. He was allegedly beaten while forced to lie naked in the snow. As a result of this treatment, he died on 1 February in Elazig State Hospital.

492. Fahri Tirpan, Haydar Emrah, Coskun Kilickaya, Bektas Ozkan, Ali Ozkan, Gazi Köksal, Ali Haydar Emre and Ercan Karatas were arrested on 10 January 1992 in a police operation in Ankara and taken to the first branch (political police) of Ankara police headquarters where they were reportedly beaten, subjected to cold water under pressure and made to stand for long periods.

493. Mehmet Celik, of Basbug village, near Silvan, was arrested on 9 January 1992 and taken to the Batman gendarmerie regimental headquarters. For several days he was held in a cell so small that he could only stand up in it. He was also stripped naked, hung by the arms and given electric shocks as well as sprayed with cold water under pressure.

494. Celil Beyazgul, taxi driver and journalist at the Yeni Ulke newspaper, was arrested on 24 March 1992 and taken to the premises of the security services at Urfa where, for three days, he was reportedly tortured.

495. Sükrü Yilmaz was arrested on 4 March 1992 in the Sagosele district of Besiri, south-east Turkey, and taken to the Batman gendarmerie headquarters where he was reportedly tortured. An examination carried out by independent doctors after his release showed that he had injuries in the genital region,

widespread bruising on both arms consistent with trauma from a blunt object, serious swellings on the left hand and arm and swelling on the soles of both feet.

496. Sekvan Aytug, president of the Sirnak branch of the Human Rights Association, was detained in Sirnak on 14 May 1992 and subjected to torture. Colleagues who visited him in prison reported that he had bruises and wounds on his left eyebrow, feet and knees.

497. Huseyin Gocer and Hasan Guldal were arrested on 23 May 1992 in Savsat district of Artvin, in north-east Turkey, and were allegedly tortured during interrogation. As a result Hasan Guldal died at the Artvin provincial gendarmerie command during the month of June.

498. Agit Salman, taxi driver, was detained by political police in Adana on 27 April 1992. He died two days later, allegedly as a result of severe beating, at security headquarters in Adana.

499. Kadir Kurt was detained on 19 April 1992 in Birik village, Bismil district of Diyarbakir, south-east Turkey. He died that night in the gendarmerie battalion command where he was interrogated, reportedly under torture, in the presence of his brother. His death was due to internal bleeding caused by pressure on his lungs from a broken sternum.

500. Mithat Kutlu, bank officer, was detained on 18 April 1992 in the Bismil district of Diyarbakir and died in custody six hours later, after his head was struck with truncheons and clubs. The autopsy report allegedly showed that his death was caused by a brain haemorrhage and internal bleeding.

501. Tahir Seyhan, an official of the People's Labour Party in Dargecit, province of Mardin, died on 11 April 1992, reportedly as a result of torture, after having spent four days in police custody. The autopsy report registered death following a brain trauma.

502. Nazli Top, a nurse two months pregnant, was arrested in April 1992 by the Istanbul police. During her 10 days in detention at the Bahcelievler police station and the Bayramtepe police headquarters, she was subjected to severe torture such as beatings, electric shocks and sexual abuse.

503. Omer Ozaslan was arrested on 1 May 1992 and reportedly tortured while in detention at police headquarters in Zonguldak. According to his father, who was able to visit him, his face and eyes were swollen, his mouth and nose were injured and there was a scar on his forehead.

504. Atilla Kavak, Gülay Sartli, Zeynep Ozgül, Hatice Duman and Ayla Peköz were arrested on 18 May 1992 and taken to the political police centre in Gaziantep where they were reportedly given electric shocks and beaten.

505. Menice Kirtay, an ethnic Kurd, was arrested by police in the Mescit quarter of Silvan, district of Diyarbakir, on 19 June 1992. She was tortured by inserting a truncheon and a gun barrel into her vagina and anus, as a result of which she had a miscarriage.

506. Ismail Yilmaz was arrested on 27 June 1992 and taken to the Istanbul Kapikule police station where he was tortured. According to the reports, he was beaten up, given electric shocks and sexually assaulted. He was also put in a room with a trained police dog which bit him in the legs and arms.

507. Abdullah Arisoy and Sait Arisoy, correspondents for Ozgür Gündem newspaper in Cizre, and Halil Arisoy were reportedly arrested at their home in Cizre, province of Sirnak, on 30 June 1992 and severely tortured at Sirnak police headquarters. Methods of torture included electric shocks and hanging by the wrists with arms tied behind their backs.

508. Ali Komak, correspondent for Ozgür Gündem in Cizre; Erdal Gecit, lawyer; Ahmet Dagli, meteorologist; Abdulkadir Bingöl; Abdurrahman Aksoy; Melle Abdülhamit Tanriverdi; Emin Sores; Mahmut Kirmizigül; Faruk Sakik, correspondent for Ozgür Gündem in Mus; Abdullah Yasin, primary school headmaster; Salih Baykara; Yusuf Sen; Aziz Sen; Nimet Elki and Ihsan Ogan were arrested in Cizre at the end of June/beginning of July 1992 and taken to the police station where they were seriously beaten. After some days they were all taken to Sirnak and held at Sirnak police headquarters where on arrival they were allegedly punched.

509. The Special Rapporteur received reports containing allegations of the existence of torture against children who have been arrested for ordinary crimes or political offences and subjected to interrogation without witnesses at police stations. The following cases, in particular, were reported:

(a) Nermin Alkan, aged 16, was arrested by police in Istanbul on 4 October 1990 and taken to Pendik police headquarters. She was repeatedly kicked and hit on the head and on the back with a club;

(b) Sevinc Ekinci, aged 17, was arrested in Istanbul on 1 September 1991 and taken to the local police headquarters and the Gayrettepe police station. The police slapped her, hit her head against a wall, pulled her hair, and hit her on the back and chest with fists;

(c) Orhan Ozturk, aged 16, and Fatma Ozturk, aged 12, were arrested in Istanbul on 18 March 1990 during a demonstration and taken first to the Gayrettepe police station and then to their local police station. Both were slapped, hit with clubs and kicked. Police deliberately kicked an open wound on Orhan's leg;

(d) Osman Erdogan was arrested by police on 8 October 1990 when he was 14 years old. He spent two nights at his local police station and one day at Gayrettepe where he was cursed, beaten, kicked and slapped;

(e) Ali Akdag, aged 15, was arrested in August 1991 by police and kept in detention for four days during which he was beaten on the soles of his feet and on his palms and fingertips; suspended naked upside down and beaten with a thick wooden stick on his head, ankles, knees and elbows. He was also suspended by his arms, naked, and given electric shocks to his genitals;

(f) Kesan Ali, aged 16, was arrested by police officers in March 1992 and died in police custody in Diyarbakir. Officials reported that he had committed suicide; however, his family reported that part of his head was missing and that the rest of his body also showed signs of torture;

(g) Biseng Anik, a 16-year-old high school girl, was detained in Sirnak, in south-east Turkey, on 25 March 1992 and died in police custody three days later. When the family received her body half of her skull had been blown away by a bullet from a gun fired at close range. There were deep gashes on her hands and arms as if she had been beaten and her legs were purple and swollen.

510. In addition to the above, the Special Rapporteur sent urgent appeals on behalf of the following persons, regarding whom fears were expressed that they might be subjected to torture while in detention. The dates on which they were sent are mentioned in brackets at the end of the corresponding summary.

511. Hasan Durna was detained at 9.00 p.m. on 20 February 1992 at his mother's home in Burza during police operations following an armed attack in which the Public Prosecutor was seriously wounded and both his driver and guard were killed. Three of Hasan Durna's step-brothers were also arrested in connection with the same incident. According to the information received Hasan Durna was initially held in Burza police headquarters and later transferred to the Anti-Terror Branch of Istanbul police headquarters where he was reportedly being held incommunicado. (5 March 1992)

512. Yavuz Binbay, president of the Van section of the Turkish Human Rights Association (IHD), was beaten and seriously injured in the course of the incidents which took place in Van on 21 March 1992, between the army and the local population. On 30 March, while he was staying at the State hospital, he was reportedly arrested and taken to the local military hospital. In these circumstances fears were expressed that Mr. Binbay might be subjected to ill-treatment and that he might not be provided with the necessary medical care. (6 April 1992)

513. On 4 May and 4 June 1992 the Government informed the Special Rapporteur that Yavuz Binbay was injured during an incident at Van and taken by the security forces to the State hospital where he remained until 31 March 1992. On discharge from the hospital he was taken to the police court and arrested for breach of the law on meetings and demonstrations and incitement to riot and murder. He was transferred to Diyarbakir prison on 3 April 1992.

514. Sevgi Saymaz was detained in the street in Adana on 25 March 1992 following an armed attack on a police car in which the driver was killed and another person working at Adana police headquarters was seriously injured. According to newspaper reports, Sevgi Saymaz is suspected of having participated in the attack. Two and a half hours after being detained Sevgi Saymaz was presented to television and press photographers. Pictures in the newspapers of 26 March 1992 showed her blindfolded, the blindfold stained with blood and her face bruised and swollen. When shown on television she reportedly was barely able to stand. Newspapers reported that she had been transferred to hospital in a coma. According to reports issued on 28 March, her parents went to the Forensic Medical Institute where they were

told by a doctor that he knew about the case, but that Sevgi Saymaz was not there. The parents then inquired at the State Hospital and were told that no patient was recorded under that name. They then appealed to the Adana State Prosecutor for permission to see their daughter which he allegedly promised to arrange. However, when the parents went to the Adana police headquarters to see their daughter, access was refused. Sevgi Saymaz was said to have been in good health before being detained and reportedly there was no resistance or violence when she was arrested. According to the sources the reported deterioration in her physical condition was the result of torture and fears were expressed that she might be subjected to further torture during interrogation in incommunicado detention. (7 April 1992)

515. On 4 June 1992 the Government informed the Special Rapporteur that after the murder of the head of the Adana police station maintenance and repair section and his driver by members of revolutionary units of the THKP/C Devrimci-Sol terrorist organization on 25 March 1992 Sevgi Saymaz had been arrested with the murder weapon. She was brought before the judicial authorities on 9 April 1992 after questioning and was remanded in custody.

516. Sekvan Aytu, President of the Human Rights Association branch in Sirnak, was detained on 14 May 1992 in Sirnak, on his return from a trip to Ankara, and held incommunicado at Sirnak police headquarters. His detention might have been related to the fact that Sekvan Aytu had provided information to human rights delegations and the press about human rights violations in the area during and after the Kurdish New Year. On the other hand, his name had appeared on a leaflet containing names of people threatened with death. (1 June 1992)

517. On 18 June 1992 the Government informed the Special Rapporteur that Sekvan Aytu was arrested by the Sirnak police on 14 May 1992. The arrest was prompted by depositions, confirmed by other evidence, of members of ERNK the armed wing of PKK arrested and indicted earlier. According to the depositions Sevkan Aytu had been active in ERNK's committee for the support of illegal activities through legal organizations. He had been held in police custody for 15 days with the approval of the State prosecutor. During that time no one from the outside had tried to get in touch with him. He was not subjected to ill-treatment. On 29 May he was brought before the prosecutor and charged. He is being held in Sirnak prison. At no point had he complained that he had received death threats. Nor had he asked for measures to ensure his safety.

518. Nihal Aslantürk, correspondent for the Mücadele political magazine in Trabzon, was reportedly arrested at her office, together with two other persons, and taken to the Trabzon police headquarters. She had reportedly been arrested and tortured on several occasions in the past. (10 June 1992)

519. On 10 August 1992 the Government stated that Nihal Aslantürk had been arrested and held in custody at Trabzon on 25 May 1992 because of evidence of involvement in the activities of the THKP/C Devrimci-Sol terrorist group. Following interrogation she was brought before the competent court on 27 May 1992 and committed to prison awaiting trial. A medical report dated 27 May 1992 attested that she had not been subjected to maltreatment while in police custody.

520. Adem Kepenekliogiu was arrested in Istanbul on 28 June 1992 and taken to the Anti-Terror Branch of Istanbul police headquarters. According to the information received, the prosecutor at the Istanbul State security court authorized his detention for 15 days starting from 1 July. It was also reported that this person had been sentenced to life imprisonment in 1986, but escaped from Kirsehir prison for political prisoners in 1988. In 1980, 1982 and 1985 he had already been arrested and severely tortured to the point that he did not have proper use of his hands and arms, presumably as a result of having been suspended by his wrist. (6 July 1992)

521. On 30 July 1992 the Government stated that Adem Kepenekliogiu escaped from Kirsehir prison where he was serving a life sentence and was apprehended with three companions in Istanbul on 29 June 1992 during operations against the union of revolutionary communists, a terrorist group. Eye witnesses had identified him as a participant in various crimes. The competent court had ordered his detention on 13 July 1992. In his appearances before the court and the prosecutor he did not allege that he had been subjected to maltreatment or torture while in custody and accordingly no investigation was ordered.

522. Ali Sigirtmac, Efendi Oner, Ibrahim Coskun (from Kizilciksuyu village), Murtaza Gök, Ali Seyidi Gök, Haydar Cüce, Mustafa Cüce; Cevet Demir, Abidin Tasci and Riza Gök (from Domuzdere village). On 20 June 1992, approximately 15 people were detained from Domuzdere and other villages in the area (including those named above). During the operation the elderly headman of Domuzdere village was reportedly beaten and dragged by gendarmes through the village. The detainees were reportedly taken for interrogation at Avsin gendarmerie post. Two of them were subsequently released, both were apparently tortured while in custody. According to the reports, Ali Sigirtmaç was released from custody in a coma, with severe bruising on various parts of his body, and transferred to Kayseri University Medical Faculty in the care of his brother Hasan Sigirtmaç, who was also released. Another released detainee, Efendi Oner, was said to be in very poor health as a result of torture. (6 July 1992)

523. The Government stated on 30 July 1992 that the allegations concerning the treatment of Ali Sigirtmaç and the other villagers mentioned had been investigated by the Ministry of Justice. The inquiry established that the persons in question had not been in gendarmerie custody. It was also established that Ali Sigirtmaç had not been treated at the Kayseri Medical Faculty hospital during the period mentioned.

524. Diyadin Koç, board member of the People's Labour Party, was arrested on 15 August 1992 and held in incommunicado detention in Diyarbakir. (15 September 1992)

525. On 3 November 1992 the Government stated that Diyadin Koç had been taken into custody on 16 August 1992 on suspicion of membership in the PKK. He was released on 26 August 1992 by decision of the Diyarbakir State Security Court. According to a report by the Diyarbakir forensic medical institute he had not been subjected to maltreatment while in custody.

526. Ferudun Yazar, Felemez Baskaya, Sakir Alay, Kemal Okutan, Marun Cakmak, Güven Ozatay, Cabbar Gezici, Sabahattin Ozaslaner, Hamit Geylani, Cemal Saruhan and Günes Unsal. According to the reports, these members of the Peoples' Labor Party (HEP) were arrested at the end of September 1992 in the framework of an inquiry launched by the Prosecution Office of Ankara State Security Court (SSC) in connection with the HEP Congress held in Ankara on 19 September 1992. The detainees were taken to the Ankara police headquarters for interrogation. (5 October 1992)

527. Ahmet Erkan, student; Zeki Gürbüz, student; Mustafa Peköz, student; Ufuk Tan, student; Hasan Polat, student; Celal Meral, from Camliça district; Yildiz Meral (female), wife of Celal, from Camliça district; Ziya Ulusoy, from Camliça district; Duriye Sezgin (female), from Camliça district; Mehmet Ustündag, from Camliça district; Meryem Temur (female), from Camliça district; Ali Bolat, from Bahcelieuler district; Hüseyin Kiliç, from Bahcelieuler district; Tülay Mercan (female), from Bahcelieuler district; Gülay Mercan (female), sister of Tülay, from Bahcelieuler district; Iman Hüssyin Demir, from Bahcelieuler district; Ibrahim Timur Isik; Naci Uzun, reporter for Emegin Bayraqi (Flag of Labour) and Hülya Uzun (female), wife of Naci Uzun. In the course of an operation carried out by the police in Istanbul between 4 and 6 November, a total of 26 people were detained including the above-mentioned. Reportedly, none of them was immediately registered as detained with the prosecutor's office at Istanbul State Security Court, as is required by the detention procedures. However, after several days in unacknowledged police custody, 23 of them were registered on 8 November and authorization was granted to the police to hold them for 15 days. These detainees were held in incommunicado detention at the Anti-Terror Branch of Istanbul police headquarters. Celal Meral, Ziya Ulusoy and Mehmet Ustündag, however, had not yet been registered. (19 November 1992)

528. Sükrü Yilmaz, Habip Yilmaz, Irfan Solak, Salih Solak, Bahri Gitmez, Serhat Baytar, M Sirin Dogan, Resul Balta, Ebubekir Günes, Nuri Adlik, Tahsin Adlik and Haci Adlik. According to the reports, they were taken into custody on various dates beginning on 16 October 1992 and were being held at Batman police headquarters. Neither relatives nor lawyers had been permitted access to them and the public prosecutor had reportedly given no indications as to how long they would be held. (25 November 1992)

529. Mahmut Ozkan, and his son, Lokman, aged 15; Halil Ozkan and his sons Abdullah and Cengiz, aged 17; Omer Ozkan and his son Mahmut, aged 14; Rusen Ozkan, aged 14; Nezan Ozkan, aged 15; Cuco Ozkan, aged 14. On 21 November 1992, the security forces reportedly detained some 50 people in Viransehir, province of Sanlturfa, including these members of the Ozkan family. On that day at 10.00 a.m., six police officers searched the house of Omer Ozkan. During the search a man was found in the house who was wanted by the police. Subsequently, the police also searched the homes of Omer Ozkan's brothers Mahmut and Halil and detained them as well as the members of their families (named above) present in their homes at the time. The police were said to have since carried out daily searches of the same houses. The detainees were taken to Sanlturfa and reportedly held incommunicado at the Anti-Terror Branch of Sanlturfa police headquarters. (1 December 1992)

Replies received from the Government with respect to cases included in previous reports

530. On 31 March 1992 the Government stated that Sait Seyit Ahmad (E/CN.4/1992/17, para. 253) had been taken into custody by the Ankara police on 14 March 1991 on suspicion of having formed a criminal organization and was detained the same day. He was acquitted by the Ankara State Security Court and released on 14 May 1991. A medical report confirms that he was not subjected to torture of maltreatment while in custody.

531. On 16 and 20 December 1991 the Government stated that the case of Huseyin Toraman (E/CN.4/1992/17, para. 243 (n)) who was said not to have been seen since 27 October 1991, was being investigated by the competent authorities. According to the competent units of the Ministries of Justice and of the Interior, M. Toraman had not been taken into custody or arrested by the authorities. On the complaint of Mr. Toraman's father an investigation had been initiated by the Fatih (Istanbul) prosecutor. The authorities believe the disappearance may have resulted from a clash between illegal factions.

532. Sayan Yalçin, Sedat Erözsoy, Mehmet Gücel, Ayse Sultan Yazici and Muhittin Civelek (E/CN.4/1992/17, para. 250 (b)) were, the Government stated on 8 January 1992, arrested on 5 January 1991 for assisting and concealing members of THKP/C Devrimci-Sol and organizing the escape from prison of members of that terrorist organization. They were sent to prison by the Istanbul State Security Court on 18 November 1991. The Ministry of the Interior has confirmed that they were not subjected to maltreatment or torture while in custody.

533. The Government stated on 8 January 1992 that Cengiz Gejili (E/CN.4/1992/17, para. 250 (d)) had never been taken into custody by the Gaziantep police, where there was no record of him.

Information submitted by the Government in connection with Commission resolution 1992/42

534. In a letter dated 3 November 1992 the Government transmitted an inventory of acts of violence against civilians committed by the Kurdistan Workers' Party (PKK) between 29 August 1991 and 2 October 1992. Since 1984 the PKK is reported to have killed over 1,000 civilians and seriously injured many more.

Uganda

Information transmitted to the Government

535. By letter dated 12 November 1992 the Special Rapporteur communicated to the Government that he had received information concerning torture and ill-treatment of prisoners held by the National Resistance Army (NRA) in the north, as well as in barracks in the Kampala area.

536. In late March 1991 people found without proper papers, NRA deserters and those suspected of being rebels, who were imprisoned in a compound belonging to the Ministry of Agriculture in Gulu, were reportedly made to run a gauntlet of soldiers who clubbed them with rifle butts.

537. Between 16 and 18 April 1991, people from villages around Bucoro, Paicho sub-county, Gulu district, were beaten up after being brought to a temporary NRA camp at Bucoro primary school. In this place, soldiers were alleged to have dug a pit some two metres deep which was overlaid by soil-covered logs. Prisoners were put in the pit and a fire lit on top of the logs. Smoke from the fire was reported to have contributed to the suffocation and death of Rodento Okema from Onyama, Opwonya p'Opige from Labongoguru, Ojabo from Obyela and Ogok p'Larii from Olano. Another man placed in the pit, Justin Okumu, was reported to have escaped from the torture by claiming that there was a gun hidden at his father's house in Onyama. He was taken to the house, but a search failed to locate any weapon. He and his father, Raymondo Okwera, were alleged to have then been beaten to death. In connection with the Bucoro incident, the elderly Juliana Ayako, her daughter Margaret Abwoyo and Erumalina Amono were reported to have been raped by soldiers on 17 April.

538. It was also reported that in late June 1991, 10 men from Bunabulayi village in Bukiende sub-county, eastern Uganda, were given 30 strokes of a cane daily over a two-week period while detained at Rubongi military barracks in Tororo after they were wrongly arrested and accused of attacking an army patrol. When they were released into the custody of the police at Mbale their buttocks were covered with deep wounds, they had not received any medical attention while they were in military custody and the wounds were badly infected.

539. The Special Rapporteur also received information on torture at military barracks and other places where prisoners are held by soldiers in Kampala. According to it, prisoners have been tortured while under interrogation about political and criminal offences while being held incommunicado. The following cases, in particular, were reported:

(a) Haji Abdu Mbogo, a suspect in a case of armed robbery, was subjected to a method of torture known as "balance" in Lubiri barracks in June 1990. This entails tying the victim's hands and feet together and then suspending the victim from the wall or from iron bars in a window while he or she is beaten;

(b) Mande Ntananga was arrested on 22 September 1990 by NRA soldiers and severely tortured in Lubiri barracks. Medical examinations reportedly revealed injuries consistent with having been beaten and subjected to electric shocks, treatment which led to brain damage. After investigations were carried out some soldiers were allegedly arrested but it is not known whether any further action was taken to bring them to justice.

United Kingdom

Information transmitted to the Government

540. By letter dated 12 November 1992 the Special Rapporteur communicated to the Government that he had received information concerning allegations of ill-treatment by members of the Royal Ulster Constabulary (RUC) at interrogation centres and in particular at Castlereagh (Belfast). The allegations include slapping on the head, punching on the head and body, pulling hair, being forced to stand for long periods of time and pressure being applied to shoulders and neck. It was also reported that, under the emergency legislation, detainees can be held for up to seven days without being charged and without being brought before a judge and that in Northern Ireland lawyers are not allowed to be present during police interrogations. These rules are said to contribute significantly to an atmosphere favourable to ill-treatment. The following individual cases were communicated to the Government:

(a) Martin Sweeney was arrested during the week of 21 July 1991 and taken to the police interrogation centre in Castlereagh. It was alleged that he was subjected to verbal abuse, that detectives slapped him on the face and the head, banged his head against the wall and spat into his ear. It was also alleged that a detective struck him in the stomach and dug his fingers into his ribs repeatedly and that, while being forced to keep his head down between his legs, he was beaten on the back of the head and the face. A medical doctor reportedly acknowledged that the detainee had a lump on the back of his head;

(b) Rose Ann Maguire was arrested on 24 July 1991 and held at the police interrogation centre at Castlereagh for five days during which she was allegedly subjected to ill-treatment consisting of slaps to the face and head; pulling of the hair and the head, punches in the stomach and sexual harassment.

541. The Special Rapporteur was also informed of an incident which allegedly took place on 2 March 1992 in the Maghaberry prison (Belfast), during which 21 women prisoners were brutally strip-searched and assaulted by prison warders. All of them were reportedly punched, kicked, nipped and had their limbs twisted. The prison doctor recorded the women's injuries later the same night and sent one of them to an outside hospital because of the extent of swelling and bruising on her face.

United Republic of Tanzania

Information transmitted to the Government

542. On 18 September 1992 the Special Rapporteur sent an urgent appeal to the Government of the United Republic of Tanzania concerning Rev. Christopher Mtikila, who was arrested on 18 July 1992 in Dodoma by officials of the Field Force Unity and subsequently sentenced to nine months' imprisonment. It was reported that Rev. Mtikila had been tortured and fears were expressed that he might still subjected to this kind of treatment while in prison.

Uruguay

Information transmitted to the Government

543. In a letter of 12 November 1992 the Special Rapporteur informed the Government that he had received reports that persons arrested on suspicion of having committed minor offences had been tortured or maltreated in Montevideo police headquarters and in police stations in poor quarters where the crime rate is high. The types of torture mentioned in complaints include beatings, sometimes with truncheons, near suffocation, electric shocks and threats of more brutal torture or of death. In many cases victims did not lodge judicial complaints for fear of reprisals or through lack of confidence in the administration of justice. Only in very rare cases were the torturers identified and tried. The following individual cases were transmitted:

(a) Adrián Marcel Lombardo was arrested on 21 March 1990 and taken to the homicide squad at Montevideo police headquarters where he was given electric shocks on various parts of the body. He was released the following day;

(b) Alberto Périz Medina was arrested on 3 August 1990 and taken to the Montevideo section 5 police station. He was stripped and beaten severely on the chest and ears. Months later he was still partly deaf as a result of the blows. Although the injuries were attested to by a medical report, the case was shelved by the court in April 1991;

(c) Ricardo Costa, Vicente Vinagre and Néstor Moreira, employees at the SEVEL steelworks, were arrested on 31 August 1990 and taken to Montevideo police headquarters. They were hooded, threatened and badly beaten on various parts of the body. They were released a few hours later;

(d) Ricardo Fabra Riverol was arrested on 5 January 1991 in La Cruz de Carrasco, Montevideo. In a vehicle taking him to police headquarters he was repeatedly beaten and was threatened with electric shock treatment. A medical report attests to the existence of bruises;

(e) Guillermo Alejandro Belsito Luna and Diego Washington Martínez Rancel, age 16, were arrested on 6 January 1991 by three policemen who beat them severely in the street and then in section 9 police station before releasing them a few hours later;

(f) Julio Correa, age 18, and Alejandro Maidana, age 17, were arrested in Montevideo on 9 January 1991 and taken to the 1st section police station. The former was beaten, handcuffed, dragged over the floor and threatened with execution. The latter was beaten with a rubber truncheon on the neck and other parts of the body. Both were released a few hours later.

544. At its eighth session (27 April-8 May 1992) the Committee against Torture examined the Government's answers to the Committee's questions regarding the country's initial periodic report. The report is reproduced in document CAT/5/Add.30.

Venezuela

Information transmitted to the Government

545. In a letter of 27 October 1992 the Special Rapporteur informed the Government that he had received reports that torture is frequently inflicted on persons arrested by the metropolitan police, the judicial police and the national guard as well as by the intelligence services directorate and the military intelligence directorate. The most commonly used methods include beatings, electric shocks and near suffocation by means of plastic bags containing irritants such as pesticides placed over the head.

546. The use of torture is reported to be facilitated by the fact that the police may keep a person in custody for eight days and use confessions obtained later in the course of proceedings. The use of judicial remedies by victims is discouraged by the fact that very few complaints result in the conviction of the torturers. The following cases had been communicated to the Special Rapporteur:

(a) Tulio Aguilar, Victor Avendano, William Barboza, Cecilia Benítez Valera, Wilfredo Bermúdez, José Figueroa, Carmen Alicia Gómez Potella, Alexander Hernández, Gualberto Martínez Prado, Raúl Miranda Borges, Ursuala Mujica, Victor Padilla Villegas, Adrián Parra Ramírez, Hirán Parran Ramírez, José Perdomo, Degnis Quiames, José Rodríguez Bolívar, Anuar Rodríguez, Roraima Sánchez, Ivonne Sequera, Felix Silva and Jesús Torrealba were arrested by Carabobo state police on 4 February 1992 and taken to the Navas Espinola installations. There the 22 detainees, most of them students, were beaten for several hours and given electric shocks. They were held incommunicado until 12 February and received no medical treatment;

(b) Daniel Alvarado Alarcón, Luis Enrique Andrade, Luis Enrique Barroso, Luis Alberto Caballero Fernández, Hector Illich Chacón Delgado, José Gregorio Escalona Delgado, Jesús Enrique González Doubranger, Lizandro Obed Pérez Hernández, Orlando José Ramírez Paez, José Angel Rodríguez Macías, Julio César Rojas Avila, Jonathan Alexis Toro Marval, Carlos Alejandro Valerio and Mark Flavio Zuccheli, all students at Venezuela Central University in the Federal District, were arrested at the campus and taken to the San José Cotiza barracks by the metropolitan police. The students were hooded when arrested and violently beaten. At the barracks they were tortured (electric shocks, blows, etc) before being released. No charges were made;

(c) Jesús Antonio Castillo Gómez, a journalist on the newspaper El Nacional was arrested by detectives while taking photographs of the police operation on the campus. At the police barracks he was subjected to maltreatment such as electric shocks;

(d) Javier Ascanio, age 15, Kodiat Ascanio, Néstor González Igor Luengo, Brezne Manzano, Pablo Jose Rondón, Pedro Rondón, Nelson Villanueva González and Francisco Villanueva González were arrested at 23 de Enero, a Caracas suburb on 21 October 1991 by metropolitan police. The Ascanio brothers were arrested at their home. Kodiat was hung from the

twelfth floor before the eyes of his family and neighbours. The two brothers were taken to the Cotiza police station where they were beaten, given the suffocation treatment and underwent a mock execution. Néstor Gonzalez, Nelson Villanueva and Francisco Villanueva were severely beaten at the time of arrest and while they were detained in the police station. Because of their injuries they had to be treated at the Vargas hospital before release. No charges were made. The Rondón brothers were also subjected to physical coercion by the police. Pablo Jose Rondón, the leader of a neighbourhood group, was hung from the balcony of his home and beaten with his brother while his family watched. He was then taken to La Cañada and Cotiza police stations where the maltreatment continued. Igor Luengo, a militant in a neighbourhood group, was taken to the Cotiza police station and held incommunicado for four days. He was beaten and given the near suffocation treatment;

(e) Carlos Bernadino Carballo Morales, Richard Durán and Orland José Guerra were arrested by national guard personnel on 18 October 1991 at La Vega, a suburb of Caracas, and taken to guard detachment 51 where they were brutally beaten and given electric shocks;

(f) Yorfan José Escobar Berrios, age 17, was arrested by national guard personnel on 18 October 1991 at La Vega, a suburb of Caracas, and severely beaten. On 23 October he was released and re-arrested on 7 December. He was again beaten, given electric shocks, burnt on the shoulder with a hot iron and slashed with a knife on the ribs and wrist;

(g) Luis and Pedro Benítez were arrested on 8 March 1992 by metropolitan police. Because of the beating inflicted at the Sucre police station, they had to be taken to the Domingo Luciani hospital;

(h) Humbert Lezama, Héctor Luis Valderrama and Ramón Yaguaramay were arrested at Petare by metropolitan police on 4 February 1992. At the Sucre police station they were accused of having participated in the attempted coup on 3 February 1992. They were subjected to physical coercion (blows, electric shocks) in the police station and at the intelligence services directorate;

(i) José Fermín Maccari went voluntarily on 25 January 1992 to the Petare detective squad which was investigating the murder of a policeman. Although various people including the attorney for minors and a local priest went with him to guarantee good treatment, he was heavily beaten in the El Llanito and Cochecito police stations;

(j) Pedro Romero was arrested at his father's home in Petare by members of the metropolitan police cobra unit. At the Cotiza police station he was subjected to torture such as beating, electric shocks and near suffocation. He was released a few days later. No charges were made;

(k) José Blondell was arrested on 9 March 1992 by detectives from the El Llanito, Petare, police station. For several days he was subjected to tortures such as near suffocation and blows with an iron rod and was sprayed with an extinguisher to make him confess to involvement in a murder;

(l) José Antonio Briceño, Arnel Rodríguez, Omar Uribe and Julio César Vera, students, were arrested on 2 June 1992 by metropolitan

police at a street demonstration in Caballero Mejías. Before their release, they were subjected to ill-treatment in the police station (punches, kicks, burns with cigarettes, etc) and kept blindfolded. No charges were made;

(m) Rommer Figueroa Lizardi, clerk, died on 29 May after being brutally beaten by national guard personnel during a demonstration at Ciudad Guayana, Bolívar state. The medico-legal report states that death was caused by physical ill-treatment during detention;

(n) Oswaldo Rodríguez, journalist on the newspaper El Araqueño was brutally beaten by national guard personnel and police on 4 June 1992 during a demonstration in Maracay.

547. On 10 December the Special Rapporteur addressed an urgent appeal to the Government on behalf of Luis Alberto Arias Bellorin, student, Henry Hinojosa, community leader and member of the Human Rights Committee, Benito Valera, a COPEI deputy in the Legislative Assembly, Victor Martinez Nino, member of a human rights organization, Arnaldo Guedez, teacher, Yolimar Sierra, teacher, Domingo Rivera, Francisco Escalona, politician, Julio Escalona, engineer, Rolando Lugo, teacher, Orlando Chirinos, university professor, Alexis Campos Lovera, trade unionist in health sector, José del Carmen Rodríguez, student, Julio Rodríguez, Orangel López Rodríguez, member of the socialist league, Nelson Viana trade unionist, Rafael Castillo, trade unionist, Tony González, student, Joel Gutiérrez, trade unionist, candidate in the municipal elections. According to information received, the people listed were among the many civilians and military personnel arrested in connection with the attempted coup of 27 November 1992 in Caracas, Barquisimeto, Valencia, Maturín, Los Teques, El Tocuyo, Puerto Ordaz and Ciudad Bolívar. It is reported that 17 students were arrested on 8 November at the Central University. The detained civilians are being held in premises of the intelligence services directorate, the metropolitan police, the national guard and the military intelligence directorate.

Yugoslavia

Information transmitted to the Government and replies received thereon

548. By letter dated 21 August 1992 the Special Rapporteur communicated to the Government that he had received information concerning the practice of torture against ethnic Albanians in Kosovo province. According to this information, torture takes place most of the time, in police stations; however, there have been frequent incidents in which police have stopped people in the street or in buses or trains and hit them in full public view. Young people have also been victims of police ill-treatment, in particular university students and high school pupils. The purpose of ill-treatment seems to be either to extract information and confessions or to intimidate and humiliate. The most frequently alleged forms of ill-treatment consist of beating with rubber truncheons and rifle butts, kicking and punching. Although there are established procedures for filing complaints against the perpetrators of abuses, prosecuting bodies are generally unwilling to institute proceedings against police officers. The following cases, in particular, were reported:

(a) Mikel Marku, a lawyer, former chairman of the Bar Association of Kosovo and the Bar Association of Yugoslavia, and his two nephews Xhon and Prend Marku were arrested on 31 October 1991 by the police while leaving Pec for the village of Stupe. On their way to police headquarters in Pec, they were beaten with rubber truncheons and rifle butts. The beatings continued in the police station for several hours and, as a result, Mikel Marku had to be taken to the hospital the following morning. He died on 11 November 1991. According to hospital records, head injuries had caused paralysis of the right side of the body. The autopsy report noted multiple post-traumatic injuries to the head, trunk and extremities;

(b) Ali Haxhin, a refugee from Albania living in Kosovo, was arrested on 25 November 1991 by police and taken to Urosevac. The following day he was taken to Pristina prison where he died several hours later. On 27 November, his body, allegedly severely bruised and with several teeth broken, was returned to his family;

(c) Rexhep Rifati, a journalist from Urosevac, was arrested on 28 November 1991 in Kamenoglava village. He was held in police headquarters in Urosevac for about six hours, questioned and brutally beaten with rubber truncheons by police officers;

(d) Selim Qazimi, director of the primary school in Kamenoglava village. Because he allowed school premises to be used for a concert celebrating Albania's national holiday, he was arrested and beaten with truncheons at police headquarters in Urosevac;

(e) Rrustem Sefedini, director of a secondary technical school in Urosevac until January 1991, was arrested on 4 October 1991 by members of the police who beat him so severely that they broke three of his ribs;

(f) Ismet Krasniqi was arrested on 29 January 1992 at the primary school in Pec, taken to a police station and beaten. The following day he was examined by a doctor who found bruising to both buttocks, feet and hands as well as perforation of the left eardrum;

(g) Amrush Avdimetaj, from Pec, was arrested on 3 October 1991. Before and after being taken to police headquarters in Pec, he was kicked and severely beaten with rubber truncheons about the head and body;

(h) Ali (Rexhep) Kadrijaj, a worker from the village of Restovic in Decane commune. On 23 August 1991 he was pulled out of a bus on his way home by police who beat him because they claimed he had raised two fingers of his hand in a gesture they considered politically offensive;

(i) Fadil Kralani was beaten by the police until he lost consciousness on 25 March 1992. The beating took place in the offices of the inspector responsible for issuing passports on the former premises of the bank of Kosovo, in Pec;

(j) Jashar Sali Haxhiaj. On 3 September 1991 he was beaten by police who stopped him in Radavce while he was driving a lorry without a driving

licence. The following day he was examined by a doctor who found bruising to the area around the left eye and to the body, injuries to both arms, forearms and to the left thigh;

(k) Enver Sinani, law graduate and local council employee from Resinovc village, Lipljan commune. He was arrested on 3 January 1992 and brutally beaten at a police station in Magura by police who accused him of possessing weapons and of being an opposition activist. As a result, he was reportedly unable to use his hands and walked with difficulty for several days afterwards;

(l) Bajram Isuf Myrtezaj was arrested and severely beaten on 3 March 1992 in Pec by the police who were looking for his son;

(m) Avdi Ulaj, a student of the Engineering Faculty of Pristina University, was arrested by police on 4 October 1991, together with several other students, after attending a protest meeting at the closure of courses in the Albanian language and the dismissal of ethnic Albanian university staff. He was taken to the police station in Muhaxher quarter, brutally beaten and subjected to sadistic mockery before being released. The medical report indicated inflammation of the cornea and conjunctiva, bruising around both eyes, swelling on sole of his left foot and traumatic rupture of eardrums;

(n) Daut Krasniqi, a secondary school pupil from Vranoc, Pec commune, was arrested by police in Pec on 4 October 1991 and beaten until he bled because they apparently suspected him of hiding arms and ballot papers;

(o) Faruk Muja, a 12-year-old Rom boy from the village of Magura, in Lipljan commune, was severely beaten by the police in April 1991, apparently because they suspected him of selling cigarettes on the black market in Pristina;

(p) Mentor Kaçi, Sokol Dobruna, Zenel Sadiku, Delija Hagjocaj, Nuhija Bytyqi, Palusha Palushaj, Naim Krasniqi, Afrim Morina, Qerkina Peci, Sadik Mula and Sejdi Veseli were arrested in late December 1991 and taken to Pec prison where, according to witnesses, they were subjected to severe ill-treatment;

(q) Zenun Celaj, member of the Executive Board of the Kosova Helsinki Committee in Pristina, and Ibro Osmani were arrested on 20 June 1992 at the police check-point just outside Peja and taken to the police station where they were severely beaten for two hours;

549. On 4 November 1992 the Special Rapporteur addressed a new letter to the Government informing it that he had been provided with a list of persons who were severely beaten by security forces while participating in rallies protesting discrimination against Albanian education, which were held in Kosova on 12 and 13 October 1992. These allegations concerned one person in Deçan, three persons in Dragash, three persons in Gjakovë, four persons in Istog, 140 persons in Klinë, three persons in Lipjan, three persons in Malisheve (Kijevë), 113 persons in Pejë, 27 persons in Prishtina and 34 persons in Prizen.

Information received from the Government with respect to cases included in previous reports

550. On 11 February 1992 the Government sent the following replies to three cases which had been transmitted by the Special Rapporteur in 1991 (E/CN.4/1992/17, para. 265):

(a) Alush Gashi. The allegations concerning his ill-treatment are not true. On 26 October 1990 he was taken to the police station for interrogation. However, while he was being escorted, as well as during the interview, no means of force were used on him;

(b) Sadiku Xhevat was escorted to the police station on 23 July 1990 for an interview because he had organized a gathering, without prior timely registration. He gave a written statement and an official note of the entire interview was prepared from which it can be seen that he was not physically ill-treated and that he had no remarks as to the behaviour of the police officers;

(c) Copi Ismet. No measures whatsoever were undertaken (he was not brought in to the police station, detained or searched), so the allegations submitted have no grounds.

III. VISITS AND FOLLOW-UP TO VISITS

A. Visit to the former Yugoslavia

551. As mentioned in chapter I, the Special Rapporteur took part in the second mission of the Special Rapporteur on the situation of human rights in the former Yugoslavia, Mr. Tadeusz Mazowiecki, from 12 to 22 October 1992. During the mission the Republics of Bosnia and Herzegovina, Croatia and Serbia were visited. The report on that visit is contained in document A/47/666.

552. It is no surprise that in the war-stricken areas of Bosnia and Herzegovina torture is a daily phenomenon. During an armed conflict human life as such is held in low esteem and under such conditions basic human rights violations such as arbitrary detention, torture, deliberate killings and disappearances usually go hand in hand. Disrespect for human rights seems to have reached its apex, however, in Bosnia and Herzegovina. The delegation received horrendous information about people being clubbed to death and others who died from injuries suffered during torture, in particular in detention camps in the Serbian-controlled areas. Rape of women belonging to other ethnic groups was alleged to be practised systematically.

553. Information about torture was also received with regard to the Croat- and Muslim-controlled areas of Bosnia and Herzegovina, although on a smaller scale and to a less systematic degree. It was alleged that Croatian police or military sometimes seriously mistreat detainees of Serbian descent.

554. Of particular concern is the situation in Kosovo, which forms part of the Republic of Serbia. In 1990 the previously autonomous status of this province was abolished and the Serbian Government took over the administration. Since that time the participation of Albanians, who constitute about 90 per cent of the province's population, in public, economic and social life has become practically become non-existent. Since that time the Special Rapporteur has regularly received communications about torture and serious mistreatment of Albanians. Such mistreatment is not only practised during detention. Mention was made of punitive expeditions by large police forces against towns and villages to search for arms. During these expeditions, the people are beaten and otherwise mistreated.

555. The Special Rapporteur himself interviewed on 18 October 1992 25 victims of extreme police brutality. On 12 and 13 October demonstrations had been held in various towns in Kosovo to obtain the reopening of the schools which had been closed for the greater part of the last two years. It was said that the authorities had been given due notice about these planned demonstrations in conformity with the law and that no prohibition order had been issued. Nevertheless, the police brutally attacked the crowds which had gathered with truncheons and tear-gas without giving the usual order to disperse. The Special Rapporteur received a list, containing 321 names, who were severely beaten. All the people who were interviewed by him were seriously injured and severely bruised.

556. The Special Rapporteur also visited the municipal prison in Prishtina, the capital of Kosovo, which he had also visited on an earlier occasion and where prison conditions seemed to be satisfactory. In this prison pre-trial

detainees are held together with prisoners who have been sentenced for periods up to six months. The Special Rapporteur was informed, however, that prison conditions in the regional prison, which is at some distance from Prishtina, are far more harsh.

557. The Special Rapporteur heard testimonies about an alleged case of severe maltreatment which had been brought to his attention shortly before the mission. The file, which included medical data, was also consulted. On the basis of the available material the Special Rapporteur and the medical expert who accompanied him came to the conclusion that it was improbable that the alleged maltreatment had occurred.

558. The situation in Kosovo is highly volatile and demands the closest possible attention from the international community.

B. Follow-up to visits

559. During the forty-eighth session of the Commission, the Observer for Guatemala gave the Special Rapporteur a memorandum from his Government containing information about measures taken by the authorities to improve the human rights situation. This memorandum was a reaction to the Special Rapporteur's letter of 21 October 1991 by which he had requested the Government to inform him about any measures which might have been taken in pursuance of the recommendations made in his report on the visit to Guatemala.

560. The memorandum contained, inter alia, the following information.

561. On 2 May 1991 a civilian took over as Minister of the Interior assuring civilian control of the country's police forces and providing a major impetus to the protection, dissemination and development of human rights. A civilian was also appointed director general of the national police.

562. Various educational projects have been initiated with a view to involving government sectors in ensuring respect for and observance of the inherent rights of the human person.

563. The Ad Hoc Committee for Aid to Refugees is being restructured. The Vice President of the Republic will become a member.

564. On 12 July 1991 a governmental decision was published in the Diario Oficial establishing a Presidential Commission for Coordinating Executive Policy in the field of Human Rights. Its principal functions are coordination of executive action to protect and safeguard human rights, the development of policy in this area to be carried out by the executive and collaboration with the attorney general for human rights.

565. A Peace Fund has been established, to be used exclusively to finance programmes in aid of persons affected by the internal armed conflict.

566. In the course of 1991 correspondence was exchanged between the President of the Republic and Professor Tomuschat, the Commission on Human Rights expert, with a view to informing him of the Government's progress in the field of human rights and furnishing the information regarding complaints received which Professor Tomuschat has requested as Special Rapporteur.

567. In 1991 peace talks were begun with the Guatemalan guerrilla movement and in the course of various meetings gradual advances have been made in the search for peace.

568. By letters dated 5 October 1992 addressed to the Government of Peru (visited in April 1988), Honduras (visited in September 1989), Zaire (visited in January 1990) and the Philippines (visited in September 1990), as well as by letter dated 4 September 1992 addressed to the Government of Indonesia (visited in November 1991), the Special Rapporteur requested those Governments to inform him of any (further) measures they might have taken in pursuance of the recommendations made following his visits to their countries. With respect to Indonesia, it may be recalled that on 4 March 1992 the Chairman of the Commission read a statement on the situation of human rights in East Timor, which had been agreed by consensus at the Commission. This statement contains the following sentence: "The Commission (...) urges the Indonesian authorities to take the necessary steps to implement its recommendations [contained in the Special Rapporteur's report on his visit to Indonesia and East Timor] and looks forward to a report thereon."

569. By letter dated 20 November 1992 the Government of Peru provided the Special Rapporteur with the following information.

570. Some of the Special Rapporteur's suggested recommendations imply modification of the existing legal order. The Democratic Constituent Congress which will be inaugurated on 3 January 1993 will be empowered to amend the present Constitution, as well as having legislative functions. The Constituent Congress and the Constitution that will emerge from it will furnish the institutional framework needed for the adoption of the most expedient legal provisions for the country's pacification.

571. The legal rules in force establish the mechanisms and procedures to be employed in determining liability for violations of human rights. These procedures guarantee the timely and proper administration of justice in Peru.

572. The military authorities responsible for detainees discharge their obligations in respect of those rights within the existing legal framework and to this end accord appropriate facilities to the judicial authorities, the department of the public prosecutor and the delegates of the ICRC. Specific legal and administrative provisions have been promulgated in this connection among them Legislative Decree No. 665 of 2 September 1991 and Ministerial Order No. 1302-91/DE-SG of 11 November 1991 which permits the entry of prosecutors into military installations in the emergency areas.

573. The military authorities, whatever their rank and function, comply with the requests of the legal officers concerned and make available the facilities required for the business the latter conduct in regard to applications for habeas corpus, even when these are undertaken in areas declared to be in a state of emergency.

574. The International Committee of the Red Cross is given facilities allowing it to enter all places of detention in military installations in the emergency zones.

575. The Ministry of Defence has taken steps to standardize instruction on human rights in compliance with Law 25211 and the Presidential Directive on respect for human rights. The Directive is being actively applied in the various military training centres at all levels. The instruction has also been implemented in military training programmes for non-commissioned officers and other ranks.

576. Authorization has been given for six officers of the Military Juridical Corps to travel to the United States of America at the invitation of the United States military aid and consultative group to attend a course on human rights. On their return the officers will design a course on human rights for military personnel of the various armed forces in Peru.

577. On 12 October 1992 the Government of Turkey (visited in September 1988) transmitted to the Special Rapporteur the text of the Code of Practice for Remand in Custody of 22 September 1992 of which article 3 is of particular relevance to the prevention of torture. In his report on the visit to Turkey, the Special Rapporteur had recommended: "(b) If a person files a complaint that he has been tortured during his detention, medical examination of that person could be entrusted to a doctor, chosen from a panel of qualified and experienced physicians: such a panel could be established by an independent professional organization".

578. Article 3 of the Code of Practice reads as follow:

"3. As to the regulations related to administrative procedures:

(a) The periods of police custody should be strictly complied with.

(b) Taking sanitary conditions into consideration, access of the persons in police custody to cleaning and other facilities should be allowed under the control of the police or gendarmerie officials.

(c) The doctor who will perform the above-mentioned medical examinations should be a doctor from the relevant forensic institute or he should be an authorized government doctor. However, should a person held in police custody request it, he should be accorded the right to be examined by a doctor of his own choice, if it is thought that such permission will not jeopardize the security of the investigation. If there are reasonable grounds that access to a detainee by the doctor

chosen by him might jeopardize the investigation, he should be allowed to be examined by a doctor chosen from a list of doctors agreed with the appropriate professional body.

(e) During medical examination, necessary security measures being taken, doctor and detainee should be left alone in a room so that medical examinations can be carried out on a personal basis and under conditions offering due privacy for the person examined.

(f) Persons held in the custody of the police or gendarmerie should be given at least one full meal every day.

(g) This Code of Practice for Remand in Custody shall be deemed to have been notified to the concerned authorities and personnel upon its being hung on the entry of the interrogation rooms."

IV. CONCLUSIONS AND RECOMMENDATIONS

579. The first sentence of the Universal Declaration of Human Rights, the mother-document of all human rights instruments, reads: "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." Torture is exactly the opposite of what is referred to here, since torture is the very denial by the torturer of his victim's inherent dignity. The breaking of bones, horrible as it is, is only a tool to obtain the result which is really intended by the torturer: the breaking of the personality, of the other's will. What makes torture particularly repulsive is that very often its long-term effects are not so much physical as psychological. The broken, disintegrated personality will never heal; the inherent dignity of the victim is irreparably tainted.

580. A particularly despicable assault on human dignity is rape. Women are afflicted in the most sensitive part of their personality and the long-term effects are bound to be extremely harmful whereas in most cases the necessary psychological treatment and care can and will not be afforded. It is mind-boggling indeed to read in the report of the Special Rapporteur on Yugoslavia that in Bosnia and Herzegovina rape is deliberately practised as yet another method of expressing contempt and hatred for the ethnic group which the unfortunate victims are made to symbolize.

581. As ignominious is the torture of children who are still in their formative stage and who, as a result of the torture they had to endure, will be seriously hampered in developing a balanced and stable personality. The Special Rapporteur was appalled by a number of communications containing allegations of torture practised against children at a time when the international community loudly proclaims that children are entitled to special protection.

582. The fact that torture is the absolute negation of human dignity and human rights caused the international community to step up its campaign against torture. We should be aware, however, that torture is only the final link in a long chain. The seeds of torture are sown whenever a society tolerates situations where respect for the human dignity of fellow citizens is taken lightly. The situation in the former Yugoslavia is a vivid illustration of this. Lack of respect for the inherent dignity of fellow human beings just because they belong to a different ethnic group has led to a situation where torture, rape and murder are rampant.

583. It is, therefore, no coincidence that the Human Rights Committee updated simultaneously its general comments on articles 7 and 10 of the International Covenant on Civil and Political Rights in April 1992 (A/47/40, annex VI).

584. In one of his previous reports (E/CN.4/1988/17, para. 55) the Special Rapporteur said that there was a sliding scale which extended from treatment of detainees which was not in conformity with the provision of article 10, paragraph 1 of the International Covenant, which states that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person", through inhuman or degrading treatment to real torture. The Human Rights Committee expressed the same view

when it said: "Article 10, paragraph 1, imposes on States parties a positive obligation towards persons who are particularly vulnerable because of their status as persons deprived of their liberty, and complements for them the ban on torture or other cruel, inhuman or degrading treatment or punishment contained in article 7 of the Covenant". The Committee added that respect for the dignity of persons deprived of their liberty must be guaranteed under the same conditions as for free persons and that detainees should enjoy all the rights set forth in the Covenant, subject to the restrictions that are unavoidable in a closed environment.

585. With regard to article 7, it is remarkable but hardly surprising that the Committee emphasizes that States parties have specific obligations to prevent and suppress the occurrence of torture in wording which, nearly to the letter, concurs with recommendations made by the Special Rapporteur over and over again.

586. According to the Committee, enforcement personnel, medical personnel, police officers and any other persons involved in the custody or treatment of any individual subjected to any form of arrest, detention or imprisonment must receive appropriate instruction and training. With regard to detention conditions, the Committee remarks that provisions should be made for detainees to be held in places officially recognized as places of detention and for their names and places of detention, as well as for the names of persons responsible for their detention, to be kept in registers readily available and accessible to those concerned, including relatives and friends. Likewise with regard to interrogation procedures, the Committee finds that the time and place of all interrogations should be recorded, together with the names of all those present and that this information should also be available for purposes of judicial or administrative proceedings. The Committee stresses the necessity for doctors and lawyers and, under appropriate supervision when the investigation so requires, family members to be given prompt and regular access to the detainees. Incommunicado detention, therefore, should be forbidden.

587. The Committee is of the opinion that the law must prohibit the use or admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment, a prohibition which is also contained in article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

588. The Committee further states that those who violate article 7, whether by encouraging, ordering, tolerating or perpetrating prohibited acts, must be held responsible and that victims should have the right to lodge complaints, which must be investigated promptly and impartially by competent authorities, and that they are entitled to appropriate redress.

589. Without exception, these measures have been recommended by the Special Rapporteur. If each and every State took such measures and vigorously supervised their implementation by the various branches of State authority, no torturer could do his dirty work in the expectation that he could evade punishment. For it is impunity which makes torture attractive and feasible. Far too often the Special Rapporteur receives information that persons have been kept in so-called "safe-houses", that they were hooded or blindfolded

before being interrogated in order to make it impossible for them to identify their interrogators, that they have been held incommunicado for a considerable period, that they had no access to their lawyers and to doctors of their own choice, that their relatives were kept uninformed about their whereabouts, that courts admitted and accepted statements and confessions in spite of the fact that during trial the suspect claimed that these had been obtained under torture, that complaints have to be lodged with the same authority which allegedly has tolerated or encouraged the torture practices, that complaints are not investigated by an independent body and that, consequently, those who are responsible for the prohibited acts go unpunished and those who are the victims of these acts are left without an effective remedy and without appropriate redress.

590. It is no exception that this chain of situations, which are all extremely conducive to the practice of torture, is in clear violation of the prevalent rules. Laxity and inertia on the part of the highest executive authorities and of the judiciary in many cases are responsible for the flourishing of torture.

591. Governments should be aware that they cannot go on condemning the evil of torture on the international level while condoning it on the national level. The judiciary in each and every country should bear in mind that they have sworn to apply the law and to do justice and that it is within their competence, even when the law is not in conformity with international standards, to bring the law nearer to these standards through the interpretation process. The judiciary should be aware that there is no place for impartiality if basic human rights are violated because, by virtue of their oath, they can only choose the side of the downtrodden. It is within their competence to order the release of detainees who have been held under conditions which are in flagrant violation of the rules; it is within their competence to refuse evidence which is not freely given; it is within their power to make torture unrewarding and therefore unattractive and they should use that power.

592. The Human Rights Committee also reminds States parties that they should not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement. This principle, which is made explicit in article 3 of the Convention against Torture, implies that the exposure of a person to a torture-prone situation is as much a violation of that person's basic human rights as the act of torture itself, as has also been confirmed by the European Court of Human Rights.

593. It is interesting to note that the Human Rights Committee is of the opinion that the prohibition contained in article 7 of the Covenant must extend to corporal punishment, including excessive chastisement ordered as punishment for a crime or as an educative or disciplinary measure. This seems to imply that the final sentence of article 1, paragraph 1, of the Convention against Torture, which states that the term "torture" does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions, has to be interpreted as meaning that such lawful sanctions must be in conformity with international standards. No State should be allowed to perform acts as a lawful sanction which in any other form are generally

condemned as a serious human rights violation. In this respect, it is relevant to take note of the Committee's observation that no justification or extenuating circumstances may be invoked to excuse a violation of article 7 for any reason.

594. If all Governments would take to heart the views and opinions of the Committee and would scrutinize their national system to see whether it is in conformity with these views and opinions and would start to introduce the necessary reforms, the campaign against torture would gain new momentum. The Human Rights Committee is a highly authoritative body; it is composed of independent experts; it is representative of all regions and all cultures. Its views should therefore be taken with the greatest possible seriousness. Only then can torture, which I called seven years ago in my first report "the plague of the second half of the twentieth century", be prevented from entering the twenty-first century unhampered.